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SMITH (Sir William Cusac, 1706-1836,
Irish judge)

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To

The Marquess of Anglesey

This volume of Tracts

is most respectfully presented

by their Author,

with a wish that

they were better worth

His Excellency's acceptance.

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TRACTS UPON THE UNION.

BY THE

Hon. Sir William C. Smith, Bart.

LL. D. F. R. S. M. R. I. A.

SECOND BARON OF THE EXCHEQUER.

Sparsa Coegi.

DUBLIN:

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MDCCCXXXI.

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TO

HIS EXCELLENCY THE MOST NOBLE

Henry William Marquis of Anglesey, K.G.

LORD LIEUTENANT OF IRELAND,

THIS VOLUME IS MOST RESPECTFULLY INSCRIBED,

BY THE ~~PUBLISHER~~ Author.

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PREFACE.

After a lapse of thirty years, the interest, which the question of Union once excited, is revived; and it has struck the Publisher that it might be of advantage, if the present generation were made acquainted with the arguments, originally used in favour of an imperial measure, which many think it would be alike impracticable and pernicious to repeal. Under these circumstances, he has collected some of the most distinguished of those tracts, which appeared when that great measure became the subject of discussion. Within this description, such as compose the present volume come. The Publisher well remembers the almost unprecedented rapidity of their sale. The demand for them, to use a homely comparison, was like that for penny rolls from a baker's shop. The first of them went quickly through six editions, and each of the remaining ones through four at the least; while young as their author was, the effect produced by them on the public mind was found to be nearly decisive. The sensation created was powerful and extensive. Indeed the degree of

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estimation in which his political productions were held, by eminent statesmen of the day, may be collected from those extracts from the Parliamentary Debates, which the Publisher is about to add.

Such are the Speech and Tracts, which RICHARD MOORE TIMS has thought it right to reprint, and offer to the Public.

DUBLIN, MARCH 30, 1831.

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EXTRACTS.

Extract from the speech of Lord Viscount CASTLEREAGH on the subject of the Union, delivered in the House of Commons of Ireland, on Wednesday, February 3, 1800.

"Having thus, Sir, adverted to the state of the public sentiment, it is natural for me to enter into the general principle of the question of Union.

"This point, however, has been so fully and so ably discussed, that I feel it unnecessary to dwell further upon it, than may be incidentally useful, to support the various parts of my argument. In particular, it has been investigated with such depth of argument, and such sound ability, by an honourable and learned friend of mine (Mr. Smith), in the speech which he last year delivered within these walls, and which has since been communicated to the public, that I consider the general principle *to be placed beyond question or dispute.* I shall therefore proceed to lay before the house the method of proceeding which it is intended to adopt."

In the debate of February 5, 1800, the Right Hon. St. George Daly (Prime Sergeant) said,

"The next topic of sedition was the loud and decisive opinion which had been echoed every where, respecting the incompetency of the legislature.

"That was a topic which could not stand the test of reasoning; and indeed it had been most ably refuted by an honourable and learned gentleman (Mr. Smith), who, both in speaking and writing, had evinced himself a most able and distinguished supporter of the measure.

"He spoke, he wrote, and the phantom disappeared!"

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"The principle of this measure has been very ably investigated, by a gentleman (Mr. Smith,) whom I just now saw in his place; and who has shewn in the clearest manner the beneficial effects likely to result from it. The noble Lord beside me too (Lord Castlereagh,) brought the whole subject before the public with so much ability and precision, that I should be much to blame, if I were to follow them through the general principle."—*Corry, (Chancellor of the Exchequer,)—Debate of February* 14, 1800.

Other testimonies, from distinguished persons, are to be found in the Debates.

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THE SUBSTANCE

OF

MR. WILLIAM SMITH'S SPEECH

ON THE SUBJECT OF

A LEGISLATIVE UNION

BETWEEN

THIS COUNTRY AND GREAT BRITAIN;

DELIVERED IN THE HOUSE OF COMMONS,

ON THURSDAY, JANUARY 24, 1799,

AND NOW REDUCED TO THE FORM OF

AN ADDRESS TO THE PEOPLE OF IRELAND.

Mutantur : nihil interit.—OVID.

SEVENTH EDITION.

(REPRINTED FROM THE SIXTH EDITION, PRINTED IN 1799.)

DUBLIN:

RICHARD MOORE TIMS, 85, GRAFTON STREET.

MDCCCXXXI.

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ADVERTISEMENT.

SEVERAL persons of whose judgment I think highly, (though they may not seem, in the present instance, to have exercised it successfully,) having expressed a desire that those arguments which I lately used in Parliament, should appear in print, I am induced, by their request, to obtrude myself upon the public.

On the subject of parliamentary competence, I expect that I shall not be thought to have gone into an excessive length of discussion, when it is recollected that there is *scarcely* a lawyer, whether in or out of Parliament, who has opposed a Union, without also disputing the authority of Parliament to enact one: that their authority has been frequently and explicitly denied, in several publications which have lately appeared; and that the question of parliamentary competence is highly important, and even preliminary; since it would be a waste of time to discuss the advantages of a measure, which the legislature was not competent to conclude.

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Having, in the following pages, enlarged upon some topics, which, when speaking in the House of Commons, I felt it to be my duty to treat more concisely; having supplied, from my notes, or my memory, some arguments, which from similar motives, or from inadvertence, I there omitted; and having even given admission to some new reasonings which occurred to me whilst I wrote, I have thought it adviseable to throw the whole into the shape of an ADDRESS TO THE PEOPLE OF IRELAND; of which, however, what I said in Parliament will be found to form the substance and foundation.

FEBRUARY, 1799.

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AN ADDRESS,

&c. &c.

HAVING the honour of a seat in the legislature of this country, and holding an opinion on the important question now under discussion, from which many respectable and virtuous persons, and no small portion of my countrymen seem to dissent, I feel myself to be warranted, (I will not say called on,) to disclose the foundations of that opinion which I entertain.

In addressing myself to the people, I appeal not to their authority. The necessity for their sanction to any act of their legislature, I protest against, as a principle subversive of our mixed form of government, and introductive of absolute democracy in its room. But that popular approbation of a public measure, which is not requisite towards giving it validity, may yet be desirable towards giving it effect:—towards promoting general tranquillity; towards multiplying and maturing the benefits of the law; towards conciliating that *people*, whose sentiments it is the free spirit of the British system to respect; and giving to the subject's acquiescence in the decrees of their supreme legislature, a more cordial and zealous character, than that of mere allegiance to the constitution.

My opinions on the momentous subject now before us, are shortly these; that a Union, on fair and proper terms, would be beneficial to this country; and that such an Union we are likely to obtain. To justify these opinions, will be the object of the following pages.

In considering this question, let me be permitted to premise what I conceive to be material, as preliminary grounds.

The British Islands constitute *one* empire. Their impe-

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rial Union is not the mere result of a temporary and accidental union of their crowns on the same head: the crowns (if I may so express it) are constitutionally blended: his Majesty's being King of Great Britain is the *sine quâ non*, and efficient cause of his being King of Ireland: he is our monarch, *ipso facto* of his being the sovereign of our sister country; and to deny (or at least to act on such denial) the truth of the position which I have above laid down, that the British Islands form but one empire, would be treason against the principles of the *Irish* constitution.

Now let us, for argument, suppose that the intire of our establishment, except this one principle of imperial Union, were effaced, or rather that it had not come into existence; and suppose, that addressing ourselves to some modern Solon, we should inquire how many independent legislatures this one empire ought to contain?—Do you think it likely that he would recommend more than one?—Would the lawgiver distract one empire with two imperial wills? Might he not even suppose you bantered, and that your terms were contradictory, when you talked of two supreme legislatures in the same empire?—Might he not pronounce of such a state, as Stephano did of Caliban, that it was "a most delicate *monster*, with *two voices*?"

If such must, *a priori*, be the opinion of a wise man, I seem warranted to infer, that so far as a legislative Union allots a single legislature to a single empire, it is a rational and wholesome measure:—that so far as it provides that *one* empire shall no longer be exposed to the risk of wavering, languidly and inertly, between the dissentient systems of *two* Parliaments, Union is the corrective of a dangerous anomaly.

The discussion might be pushed yet farther between the lawgiver and the inquirer: the former might pronounce that an empire, thus constituted, would find in such duplicity of legislature, a likely source of present weakness, and the seeds of future separation. That a difference of opinion, or system, between the two legislatives, must paralyse the general force of the empire; and that as well the more vaguely malecontent, as the direct enemies of the connexion, might (the former inadvertently, the latter by design,) make this legislative distinctness, the means for bringing about a separation.

If such maxims, as I have been thus attributing to our supposed legislative oracle, be warranted, the inference

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seems to be equally well founded; that so far as the tendency of Union is to limit the British empire to one legislature, its operation will be to fortify that empire, and eradicate those seeds of separation which it contains: and this tendency will, on the one hand, raise an enemy to the measure, in every foe to British greatness, and British connexion; and will, on the contrary, recommend Union to the favour of all those, who think our connexion with Britain salutary, and wish it to be secured; and who maintaining, as a maxim, that Ireland must stand and fall with England, feel themselves interested at all times to aggrandize the force of the empire; and think themselves especially called upon to do so now, when the state of opinions and of things throughout the world, and when the power, and success, and hostile dispositions of France, render it necessary, that the British empire should concentrate all its strength, or surrender all its honours.

If it were replied to our Sage, that British influence would be found an antidote to the mischiefs which he had suggested; and would prevent legislative dissensions from weakening and tearing asunder the energies of the empire; or Irish independence from marring the councils or interests of Britain, he might in answer, *first*, decline admitting an hypothesis, which insultingly derogated from the practical independence of the Irish Legislature; or, *secondly*, even admitting it, he might shew that this was no longer the case of two independent legislatures within one empire; but the case of a supreme British, and subordinate Irish Legislative. That therefore, whether the islands should have distinct Parliaments, could be no longer a question of Irish pride; inasmuch as it could not be more degrading to Ireland to have its legislature *one with*, than *subject to*, that of Britain: that where there existed a subjection in *fact*, this might be rendered only the more mischievous and oppressive, by being concealed behind a mask of *nominal* independence; since authority is softened by being ascertained, and exposed to public view; and the power is sure to be exorbitant, which whispers its mandates, and keeps itself out of sight. That thus to constitute two legislatures, both nominally supreme, and then to prevent the mischiefs of such an organization, by rendering one of them practically subservient, would be to create a fault, in order to correct it; and to bring matters clumsily, corruptly, and incompletely round to that point, in which an original establish-

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ment of one Parliament to one empire might have directly placed them; that instead of making imperial energy, and solidity, flow naturally and straightly from a primitive theory and arrangement, it might be circuitously and imperfectly to achieve the same objects, by a system destructive of morality and public spirit, and which would lay the seeds of popular discontent and disaffection: for he might conclude that the nominal independence of one of the legislatures could not be converted to a practical dependence, without the connivance and corruption of the members of that legislature; and that, if such profligacy were found to exist on their parts, it would either spread a contagion fatal to the virtue and liberties of the country, or rob the Parliament of public confidence, the constitution of public reverence, and the kingdom of prosperity and peace. Thus he might affirm, that as the lawyers term it, *quâcumque viâ datâ*, a concentration of all the legislative powers of the empire into one Parliament would be desirable: that it would be preferable to distinct and *really* independent legislatures; and (perhaps still more) to be preferred to legislatures, under whose *seeming* independence there lurked the practical subserviency of one.

Let us now suppose this lawgiver to have entered on the plan which he had been recommending;—to have proceeded to organize the one imperial legislature, and to have assigned to Ireland what he conceived to be its due proportion of aristocratic and popular representation. In this stage of the arrangement, I seem to hear an Irishman object, that this country had not, under the proposed system, an adequate share in the imperial legislative councils: our lawgiver would assuredly admit the justice of such a complaint, provided it were founded in fact; but this he would require to be shewn; and if my well-meaning countryman attempted to substantiate his objection, by suggesting that the British representation outweighed the Irish in point of numbers, it seems likely that he would expose himself to this answer: "Your objection is absurd: you are setting in opposition to each other, parts which are not politically, or in fact opposed: the quantity of Irish representation is commensurate to Irish power, resources, and contribution: the British representation exceeds it in point of numbers, because, in the case of Britain, there is more contribution to represent: the representation of Britain exceeds that of Ireland: so, from the same reason, the

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representation of England exceeds that of Yorkshire, of Scotland, or of Wales; and the representation of three Irish provinces outweighs that of the fourth. You forget that if the representatives do their duty, each will prefer the welfare of the whole empire to the advantage of any part, and that thus your fears from the paucity of Irish Members rest on a merely imaginary opposition of partial interests in the state: your objection, if admitted, would prove infinitely too much: the people of Yorkshire might make it as reasonably as you: it would go to crumble the empire into its primeval parts,—to renew the heptarchy, or the odious system of independent baronial tyrannies: it would assert that the lesser part was entitled to equal weight and influence with the greater; but, as we could not assent to so absurd a position, it would, *if it proved any thing*, demonstrate the utility of that separation, which every friend to Ireland must deprecate, as the heaviest calamity that could befal this country."

Thus I have endeavoured to shew, that these islands forming but one empire, it would be desirable, if this were *res integra*, that they should have but one legislature; that such an organization would tend to secure and strengthen the connexion between them, and fortify that empire which is formidably assailed, and in whose dangers Ireland must partake; and that a share of imperial representation, proportioned to its imperial weight and burthens, would be all that this country need, or ought to require; inasmuch as it would secure her a FULL share in the common blessings of the imperial constitution. No quantity of Irish representation could do more; and therefore, if the share conceded were adequate to secure this, to require a greater portion would be unwarranted and absurd. These were the preliminary grounds which I had to lay.

But the present, it will be said, is not *res integra*: the imperial establishments are already formed, and Ireland is thereby possessed of, and entitled to, a distinct and independent legislature. True: and therefore all that I have proved is this; that by obtaining Union on just and equitable terms, Ireland would exchange its distinct legislature, for such an efficient share in the imperial councils, as would ensure a full participation in the benefits of the British Constitution, and would thus bestow all which we should *originally* have been entitled to demand.

The exchange, which confers on Ireland as much impe-

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rial weight as she would originally have had a right to claim, or could consistently with the well-being of the empire possess, cannot be a very inequitable barter.

The exchange which, by communicating to Ireland a full participation in the benefits of the British Constitution, must* at the same time communicate happiness and freedom to her people, cannot, it should seem, be a very destructive change. What more could her independence have procured her?

But we sacrifice a portion of our national splendour. I admit it; and make the sacrifice with regret. I allow for, I almost rejoice and triumph at, that reluctance with which this measure is at first received: I agree with those who consider national pride and honour as some security for national valour, liberty, and virtue. But let us look to our country, torn with conflicts, and stained with blood; let us look to friendly Britain, and to hostile France; let us turn our eyes inwards to the traitors and *separatists* who swarm amongst us; let us contemplate the state of Europe, and of the world; and then inquire, whether it may not be expedient to sacrifice somewhat of our dignity; and exchange our situation for one which will secure and strengthen our connexion with Great Britain, at a time when this connexion is at once peculiarly necessary and precarious; which will fortify that empire of which we make a part,—whose ruin is attempted, and whose destruction must be ours: a situation which will secure to us the British Constitution, with all those benefits which that admirable system involves.

I have suggested that a serious objection seems to lie to that theory which assigns two legislatures to one empire; and that such a system even appears calculated to estrange from each other, those branches of the empire which are thus legislatively independent.

But I admit that the practical independence of Ireland, (and I leave to others to pronounce whether we have enjoyed practical independence,) ought not to be sacrificed to the speculations, perhaps visions, of a theorist.

Let us inquire, therefore, whether, in the case before us, those mischiefs (arising from a double legislature) which were *probable* in theory, have not arisen in fact.

About eleven years ago, his Majesty was afflicted with

* Such is the spirit of that constitution.

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a temporary illness; and it became necessary, during the indisposition, to commit the executive authority to other hands.

The British and Irish Legislature were then, as they are now, independent. The British Lords and Commons were proceeding to form a Regency, invested with certain limited powers. What did the Irish Lords and Commons do? Without waiting for any appointment on the part of Britain, they nominated a Regent for Ireland, to whom they entrusted a degree of authority different from, and superior to, that which the British Regency, if completed, would have possessed.

Let us consider the nature and tendency of this *practical* consequence of the theory of two independent legislatures for one empire;—this *practical* assertion of Irish legislative independence.

It produced—two *independent* executives for one empire: it risked entrusting the executive authority to different hands; and set different limits, in each island, to its power.

Did this act, the immediate effect of our legislative independence, tend to dismember the parts of the empire? I shall not argue such a question; but leave the sober and impartial reader to answer it himself; and to collect the train of inferences which his answer will supply.

The King of England is *ipso facto* King of Ireland: that is to say, he is King of Ireland, *because* he is King of England. Trace this constitutional rule to its principle; and what deduction follows? That, by the spirit of the maxim, the Regent of England should be Regent of Ireland; and the prerogative of the British and Irish Executive should have precisely the same bounds.

Then, if this be so, what was (in 1788) the *effect* of Irish legislative independence? If my reason did not bend before the authority of even two branches of the legislature, I should say it was a violation of the spirit of a fundamental maxim of the imperial constitution. Here we seem to have got out of the visions of theory, into the plain realities of practice.

It is no answer to my argument, to tell me that the recurrence of the evil may be prevented; that our Parliament has nothing to do but enact the principle:* I am not look-

* The Right Hon. Mr. Fitzgerald has given notice of his intention to introduce a bill into Parliament for this purpose.

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ing for remedies to this *particular mischievous effect.* I am tracing the consequence to its cause; I am deriving it from a *general source,* copious enough to be the parent of many mischiefs, and am discussing the expediency of drying up this source. To remove a symptom is not to cure the disease; nor do we purify a scrophulous habit by healing up a single ulcer. *Alteratives* are sometimes necessary in bodies politic, as well as in bodies natural.

We have examined the spirit of this imperial maxim; let us now inquire its tendency. Why does the rule obtain, that the King of England is thereby, *virtute coronæ,* King of Ireland? This is not an arbitrary, unmeaning, inoperative rule; its end is the security of the connexion between the sister countries. It is, whilst our legislatures remain distinct, the single, and perhaps too technical bond, which *constitutionally* holds together these two islands.

What then, if it were not the act of our Lords and Commons, would the Irish appointment of the Regent seem to have done? To have snapped the only *constitutional* link, which held Great Britain and Ireland together. The distinctness which an Irish Parliament could *so* exercise, the independence which they could *so* assert, might, methinks, to a speculatist, appear hazardous to the indivisible solidity of the empire; and lead him to doubt the wisdom of that theory which assigned separate legislatures to connected countries.

It is not every day that such a signal instance could occur of the *separating* tendencies of our legislative distinctness; but it seems a warranted inference, that the same independence which, on such extraordinary and rare occasions, might be asserted at the risk of *breaking,* would, on more ordinary and frequent occasions, be exercised at the hazard of *loosening,* that connexion, which, I confess, it is my ardent wish to preserve.

In 1785 occurred the business of the commercial propositions. I mean not to attempt discussing the mercantile tendency of that arrangement, or consequent propriety of its (substantial) rejection; I merely notice the transaction, as another example of the effect of our legislative distinctness.

On what grounds was Mr. Orde's bill objected to? principally on constitutional, not commercial grounds.

In the debate,* Mr. Grattan states "a question, much

* See Woodfall's Sketch of the Debate.

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more high and deep than any commercial one, to arise: *the invaluable question of constitution;* in which the idea of protecting duties, and *all those commercial details* vanish." He objects to the provisions of the bill, as "*putting an end to the free constitution of* Ireland;" by virtue of the *fourth* of the twenty *British* resolutions, which provides, that the Parliament of Ireland shall subscribe to whatever laws the British legislature may prescribe, respecting certain branches of trade, and respecting navigation. Mr. Flood, too, resisted the bill, on the ground of its "interfering with the legislative authority of the Irish Parliament; of its invading both its internal and external legislation."

Now the reader cannot but observe that this ground of opposition would not be weakened by the commercial advantages of the proposed system: be this system never so beneficial to the trade of Ireland, the grounds for objecting to it as derogatory from the independence of the Irish legislature would remain the same; and thus, if the objection were founded in principle and fact, (*i. e.* if the fourth resolution did really derogate from the authority of the Irish Parliament) Ireland could not, without betraying her constitutional rights, accept a system the most palpably and splendidly beneficial to her trade, which was clogged with the provisions of this fourth resolution.

Yet what after all were those provisions? Only that all laws made, or to be made in Great Britain, respecting certain matters of trade and navigation which were connected with that commercial settlement, should be in force here, by the adoption of the Irish Parliament.

Now, I will ask of any candid and impartial man, whether he cannot conceive, that to an ample and liberal, and advantageous commercial concession, it might be very reasonable for England to annex these conditions? so reasonable, as that we could not with justice claim the concession, without acquiescing in the terms? so reasonable, as that to omit the condition, would be to neglect not only the peculiar interests of Britain, but the general interests of that British empire, of which Ireland forms a part?

If this be so, what follows? That our legislative distinctnesss would prevent our accepting great and manifest commercial advantages, *on the only terms on which England could be expected to concede them:* in short, that our legislative distinctness would impede our national prosperity.

Whilst our Parliaments remained distinct, the sister

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countries might be warranted in holding this language to each other: England might say to us, "unless your Parliament will follow ours, so as to produce a conformity of imperial laws *in pari materiâ*, we cannot make you these concessions, compatibly with our own commercial security:" to this Ireland might reply, "that thus to conform to what the British legislature should prescribe, would be to turn the Irish Parliament into a mere registry of the legislative edicts of Britain; and to violate the recognized independence of the Irish legislature."

Neither objection seems destitute of weight; but Union appears calculated to remove them both. By a *Union*, adjusted on fair and liberal terms, (and which consequently must secure to Ireland an adequate weight and influence in the imperial councils,) there would be secured that uniformity of law, which would disperse all British fears of liberal concession: whilst, at the same time, Ireland would not register the decrees of an English Parliament, but would obey laws enacted by that *common* legislature, of which a due and proportionate number of her own Lords and Commons made a *part*. Thus Union seems to reconcile the apprehensions of Britain with the aggrandizement of Ireland; and commercial advantage with constitutional right.

The idea of *reform* suggests another possible mischief, which, if it arose, might be traceable to the distinctness of our legislature.

Suppose one of those plans of what was termed radical reform, which have been submitted to the consideration of our House of Commons, had passed into a law. The whole scheme and theory of representation being thus altered, new powers and interests would arise in the state: the influence of the crown would be altered, probably much abridged: a striking change of system would take place: affairs would run in a new channel; whether better or worse than the old one, it is beside my purpose to inquire.

Thus we should have a legislature differently constituted from that of Britain: a constitution administered on different principles, and in a novel spirit: an executive magistrate possessing a different degree of influence, *i. e.* of prerogative, (for influence has in latter days supplied the place of prerogative,) from that which he possessed in England. These changes and dissimilitudes would surely tend to separate the two countries: but these changes would be the

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consequence of our legislative distinctness; and could not happen if an Union had taken place. But is Parliament competent to enact such reform? I have never heard their competence questioned in this respect. Yet it might be asked, shall a representative body, whose return was the exercise of certain franchises possessed by their constituents, turn their delegated powers against those by whom they were intrusted, and impair, by force of their authority, those very rights and privileges, by virtue of which that authority has been conferred? In new-modelling the constituency of the kingdom, such schemes of reform as we have seen proposed, (and they might have been adopted) would necessarily involve a meddling with the subsisting rights both of individuals, and bodies politic; an abrogation or abridgement, of present individual and corporate franchises. Shall burgesses be held competent to open boroughs, and thus dilute and impoverish the franchise of those *select* constituents who returned them? Shall knights of shires, by a new chart of political division, turn counties into districts, and confer privilege on those who had it not, at the cost of those who had? Might not an elector, displaying the poor remnant of elective privilege which had been left him, be warranted in thus remonstrating with his representative reformist: "I appointed you to protect my interests; and, behold! you have injured and betrayed them." These, and such like objections, are manifestly insufficient; yet plausible, perhaps, as any which could be urged against the competence of Parliament to enact Union.

That the authority of the Irish legislature has this extent, is a point on which I, (for my part,) entertain *not the slightest doubt*. My opinion is founded on precedent: on the mischiefs which must result from a contrary doctrine: on the express authority of constitutional writers; and on the genuine principles of our constitution.

By enacting Union, Parliament would do no more than *change*, it would not surrender, or subvert the constitution. This country would, after a legislative incorporation, be still governed as at present by three estates, and her inhabitants possessed of all the privileges of the British people. We should find amongst the imperial legislators, Irish Lords and Commons, bearing to the whole Parliament the same proportion, that Irish resource and contribution bore to those of the entire empire. What constitution does Ireland enjoy now?—the British. After Union,

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she would enjoy the same; if it be true that Wales or Yorkshire now enjoy the benefits of that establishment; for as those parts of the imperial territory now possess, so would Ireland then enjoy, a share in the imperial legislation.

It is absurd to say that *that* has been surrendered which is still enjoyed: a legislative incorporation would leave the principles of the Irish Constitution unimpaired, and would but *alter* the means by which those principles are wrought into practice and effect.

Therefore, to affirm the competence of the Irish Parliament to conclude a Union, is merely to assert their right to *change* the constitution, and not to insinuate that they have authority to subvert it.

This view of the subject turns the act for septennial elections into a direct precedent in point. Under the limitations of that act, Parliaments sit at this day; and upon its validity may depend the force of all statutes which, since its enaction, have passed, for at least the latter years of the duration of each successive Parliament. What confusion must arise from impeaching the efficacy of that statute! Yet here seems to me to be the alternative. *If* Parliaments have authority to change the constitution, the Irish Parliament is competent to bind this country to a Union; *if* they do not (in even essential matters) possess this right of altering, then the statute for septennial elections is invalid.

There is no more ascertained, and scarcely any more important, principle of our constitution, than that which makes the crown of these kingdoms an hereditary right. His being heir will be the *sine qua non* of the Prince of Wales succeeding to the crown which his father now wears; who, in like manner, mounted the throne on the demise of George II. *because* he was his heir.

Yet, even this principle bends before the supremacy of Parliament: even this principle is susceptible of legislative change.

If the legislature has a right to *change* the constitution, it seems to follow, that our Parliament is competent to enact Union;—but, if the legislature possessed no such right,—if, for example, they could not new-model the succession to the crown, (a most important constitutional change indeed!) then we should be driven to admit that they were rebels who conquered at the battle of Culloden; and that his Majesty is not rightful possessor of the throne:

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a doctrine so ruinous, and full of treason, that I shrink from inserting it, even as an hypothesis.

The constitutional dependence of our religious establishment on the competence of Parliament to change the constitution, is a topic which I am content to hint,—not thinking it necessary to enlarge upon it. That to change the established religion,* is to alter the constitution, cannot be denied by those who recollect how blended political rights are with religious opinions, and who acquiesce in the constitutional doctrine of connexion between church and state.

To controvert the right of the Irish Parliament to conclude a Union is, by inevitable implication, to deny the validity of that Scottish incorporation which was concluded by the not more competent Parliament of Scotland.

When I recollect that the uniting of England and Scotland was the late, final, and deliberate accomplishment of a measure, which, for more than two hundred years, had been looked to, as of the utmost importance to the wealth, strength, and tranquillity of the whole island,—I hesitate to admit that doctrine of parliamentary incompetence, which must at once efface and nullify so solemn a transaction; and degrade it, from a coercive legislative ordinance, to a merely precarious arrangement, which derives its entire efficacy from the acquiescence of the Scotland nation, and to which Scotland might, constitutionally, put an end.

My hesitation increases, when I cast my eye along the list of commissioners, and find it a roll of statesmen and of lawyers,—a bright collection of the virtue, the wisdom, the legal and constitutional knowledge of *both countries*. That these, by acting under the authority of their respective Parliaments, should have sanctioned the manifest usurpation, or overlooked the utter incompetence, of the Scottish Parliament, is a supposition which it is hard to entertain: that they should have clothed in constitutional forms a gross infringement of the constitution, and bestowed much pains, and time, and solemn deliberation, on the achieving of a mere act of tyranny, which could create no constitutional obligation, and might sow the seeds of discord, blood, and insurrection,—to suppose that they should have done all this with their eyes open, is very difficult; and it is scarcely

* As was done in the reigns of Henry VIII., Edward VI., Mary, and Elizabeth.

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easier to admit that incompetence to be so manifest, to which they appear to have been so blind.

When I read that "the Lord Somers had the chief hand in projecting this scheme of the Union," and took a principal share in framing the articles, I scruple to deny that competence which he practically recognized: I scruple to impeach the authenticity of an act, which flowed principally from him who framed the Bill of Rights.

But Lord Somers (it is said,) was an Englishman: what was the competence of the Scottish Parliament to him? It was a matter of the greatest moment to him, as an Englishman. It was that on which, as its foundation, rested the efficacy of that Union, of which the object was to promote the strength and tranquillity of the *whole island*;—that Union which could not be valid, if the Scottish Parliament was incompetent; and which, if invalid, would tend to aggravate the mischiefs which it was meant to cure.

But besides, I perceive the roll of Scotch commissioners to contain much of the dignity, and (as may be presumed,) the constitutional knowledge of Scotland. To these, at least, the objection made to Somers will not lie: these, at least, were bound by their integrity, their patriotism, their interests, not only to secure equitable terms of Union to *their native* land, but to see that the Scotch Parliament was not transgressing its constitutional authority, or trenching on the liberties of the people: to take care that they were not rearing a fabric which had no constitutional foundation, and which might one day fall, and crush the peace and happiness of Scotland.

But let us observe the fatal and subversive consequences, which must result from a denial of the competence of the Scotch Parliament to enact Union. On the validity of that act, depends the title of his Majesty to the crown of the United Kingdom. If it be null, there is no such political being as the King of Great Britain. The second article of the Union is the only act of settlement which limits, to the house of Hanover, the succession to that United Monarchy which the first article had created. If this Union be invalid, the hereditary principle of the Scotch Constitution stands in the way of our Sovereign's title to that crown: his Majesty possesses no dominions north of the Tweed; and the heir to the house of Stuart is the rightful King of Scotland:—an hypothesis which no loyal subject can admit.

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The statement of this ruinous inference seems sufficient to warrant us in denying the premises which lead to it, viz. the incompetence of the Scottish Parliament, &c. But this, though quite sufficient, is not all. The train of mischiefs which follow this impeachment of the Scotch Union are very numerous. If that incorporation was invalid, what attention or observance is due by Scotland to any legislative ordinances which have been made since 1707? How is Britain, how is England, bound by the acts of that unconstitutional assembly, miscalled the British Parliament, which has been sitting at Westminster for the last ninety years,—acts wherein, in one house forty-five, in the other sixteen, *strangers* conspired; and, for aught we know (by constituting the majority), brought them about? What becomes of the force of that act of renunciation which passed in 1783, and which Ireland has vainly mistaken for the corner-stone of her liberties and constitution?

But I have heard it suggested, that the Scotch Parliament having been a body differently constituted from the Irish, their competence will not establish ours. I deny that any substantial difference can be shewn, though some distinction might, between the organization of the Scotch and Irish Parliaments. Both legislatures are composed of three estates; and the admixture of the Scots Lords and Commons, under the terms of Union, with the English, proves that each branch of the Scottish Legislature assimilates with ours.

But, let the constitution of the Scottish Parliament have been what it may, it cannot, if the following authorities have any weight, have differed from the Irish by being more supreme; nor, consequently, can it have been more competent than this latter to conclude a Union.

"The power and jurisdiction of the Parliament," says Sir Edward Coke, "is so transcendent and *absolute*, as it cannot be confined within any bounds. Of this Court it is truly said, si antiquitatem spectes, est vetustissima: si dignitatem, est honoratissima: si jurisdictionem, est *capacissima*."

"Huic ego nec *metas rerum*, nec tempora *pono*."—4th INSTITUTE, p. 36.

When Sir Edward Coke wrote this, Parliament had already (in the reigns of Henry VIII. and his three children,) amply exercised this transcendent power; it had changed the constitution, by new-modelling the succession

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to the crown, and altering the established religion of the land. This fact may serve as a comment on the text of Coke, who, in the passage above cited, not only recognizes their authority to this extent, but, probably, had in his mind the competence of Parliament *to change the constitution*, when he bestowed on its jurisdiction the epithets of "absolute and transcendent."

Judge Blackstone, (who wrote subsequently to the acts of Settlement and Union, in the reigns of William the III. and Anne,) in treating of the Parliament, pronounces, that "it hath sovereign and *uncontrollable* authority; *this being the place where that* ABSOLUTE DESPOTIC *power, which must in all governments reside somewhere, is entrusted by the constitution of these kingdoms."—Commentaries*, book 1. c. 2.

As circumscribed despotism, and limited absolute power, are things of which I find it difficult to conceive an idea, I should think that the authority of Parliament to bind this country to an Union flowed, by inevitable inference, from the principle above cited; and I should smile at their scruples, who declined investigating the utility of a measure, until they should first ascertain whether absolute power was competent to achieve it.

Blackstone, however, has saved us the trouble of even so obvious a deduction; for, following up his theory, he informs us that Parliament "can new-model the succession to the crown,—can alter the established religion of the land, —and *can change and create afresh even the constitution of the kingdom and of Parliament themselves, as was done by the act of Union and the several statutes for triennial and septennial elections.* It can, in short, do every thing that is not *naturally impossible;* and therefore some have not scrupled to call its power," (*i.e.* the power which the constitution has entrusted to it,) "by a figure *rather* too bold, the omnipotence of Parliament."—*Ibid.*

Thus, if the competence of Parliament be denied on the ground that Union will *change the constitution*, I answer from Blackstone, that Parliament has authority to change it. If the objection be that Union will *change the constitution of the Parliaments themselves*, I reply from Blackstone, that Parliament is competent to effect *such* a change; and if it be asserted that Union is however not *that species* of alteration in the constitution of the kingdom or the Parliament, which our Legislature is competent to bring about, I, on the contrary, observe that the act of Union is expressly

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given by Blackstone, as an instance of the sort of changes which Parliament may constitutionally effect.

I have heard objections to the competence of our Parliament to enact Union, founded on positions of Lord Coke, which are to be met with in 4th Institute, c. i. pp. 42, 43; but the dicta do not seem to me to support the objections.

Lord Coke only affirms that "acts against the *power* of the Parliament subsequent, bind not;" for that "*leges posteriores priores contrarias abrogant.*"

Now, as an act of legislative incorporation will not tend to *abridge* the *power* of the united Parliament, or *to render it less supreme* than the distinct legislatures are at present, the Parliament of Ireland will not violate Lord Coke's maxims, by ratifying a treaty of Legislative Union: it will modify the organization of the legislative corps, consolidating their distinctness, and converting them from two to one; but it will leave the transcendant powers of the thus modified assembly unimpaired. It will not "*restrain the jurisdiction and power of the*" (future) "*Parliament,*" which is what alone Sir Edward Coke doubts its competence to perform. "Though divers Parliaments have attempted to barre, restrain, suspend, qualifie, or make void subsequent Parliaments, yet could they never effect it; for the latter Parliament hath ever power to abrogate, suspend, qualifie, explain, or make void the former, in the whole or in any part thereof, notwithstanding any words of restraint, prohibition, or penalty in the former."—*4th Institute*, p. 43.

And why is this so?

Because "it is a maxim in the law of Parliament, quod leges posteriores priores contrarias abrogant."—*Ibid.*

If the rule, as laid down in the former of these two extracts, was obscure, the writer's meaning might be collected with certainty from the latter; in which he assigns the reason for this rule. The rule, undoubtedly, is no more than this, that a prior Parliament shall not abridge the transcendent supremacy of a subsequent one But a Legislative Union will not restrain the authority of the future Imperial Parliament, and, therefore, may be concluded without violating a maxim in the law of Parliament. Neither will Union "make void subsequent Parliaments;" it will leave Ireland her three estates*; it will "*make void*"

* That is to say, three estates, containing a due proportion of Irish Lords and Commons. Ireland would as much have *her* three estates, as Yorkshire has *its* three estates.

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the distinctness of "*subsequent Parliaments*," not the Parliaments themselves; and will only modify the system of the Irish Legislature as far as the incorporating change renders necessary; and no farther than is compatible with preserving the substance and spirit of our liberties and constitution.

But if the future Imperial Parliament be supreme, may it not "*abrogate*" the treaty of Union, and, by repealing its articles, rescind all the benefits which those articles concede to Ireland?

Undoubtedly that *absolute* power, which the constitution of these kingdoms entrusts to Parliament, will have this physical extent. A Parliament may abuse its sovereign authority; but it does so at the risk of entitling the subject to throw off that government which has become an instrument of oppression; and recur to first principles, to resistance, and insurrection. Parliamentary authority has no limits known to the constitution; by the principles of that constitution it is *boundless;* but it is exercised at the peril of those to whom it is entrusted; and they will be cautious how they commit that extreme abuse, which will constructively subvert the constitution, efface all artificial regulations, and, letting in the paramount rights of human nature, overwhelm the powers of Parliament in revolution. *At this risk,* I conceive that the Imperial Legislature might at any time disregard and repeal the articles of Union; but in the danger of the attempt I see some security against its being made; and meantime, in the identity of imperial interests, in the Irish share in imperial councils, and in the due proportion of Lords and Commons sent by Ireland to the common legislature, I discern some protection of Irish rights, and some guarantee against their violation. The Imperial Legislature *may* be competent to disfranchise Wales or Yorkshire, or to violate the terms on which the sister countries became united; but I see no *moral* possibility of their applying their absolute authority to such purposes.

I think I have interpreted truly the meaning of Lord Coke; and to those who adopt a different construction, and turn the passages, which I have cited, into an objection to the competence of the Irish Parliament to conclude a Union, I should recommend it to compare the doctrines of Blackstone (already quoted) with their interpetration; and also to consider well whether they be not denying, on the

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authority of Lord Coke, the validity of the Scotch Union, and the title of his Majesty to the throne of Scotland.

Judge Blackstone, in the first chapter of his first book, enumerates *all* the rights and liberties of Englishmen, as bestowed by that constitution under which we also live. These, according to him, consist *primarily* of personal security, personal liberty, and private property; and *subordinately* (and as auxiliary to those three great primary rights) consist of *the powers and privileges of Parliament*—the precise limitation of the royal prerogative—the right of applying to the courts of justice for redress of injuries,—in case of any uncommon infringement of the rights beforementioned, a right of petitioning the King or either House of Parliament for relief—and, lastly, the right of having arms for their defence.

In this enumeration, which professes to embrace *all* the rights which Englishmen or Irishmen possess, *I find the powers and privileges of Parliament* classed amongst the liberties of the people;* but I look in vain for the right which I now hear claimed for the populace, of ratifying or reversing, by their consent or dissent, the act of their legislature.

In the Dublin Evening Post of Saturday, January 26th,† the following arguments, against the competence of Parliament to enact Union, are *attributed* to a very respectable gentleman, Doctor Browne of the College, and are called a refutation of those which I used in Parliament and have here repeated.

"Mr. Browne entered into a *refutation* of Mr. Smith's arguments: he had apprehended at first it would be necessary for him to express his dissent from the arguments which that learned gentleman had advanced in support of the competency of Parliament to enact a Union; but he was surprised to find in the close of the honourable gentle-

* We have already seen, from the same writer, how extensive and absolute these powers are.

† In which I find the following paragraph, which strikes me to be a gross libel on the House of Commons, and breach of the privileges of Parliament. In that paragraph it is stated that "Thursday night presented an interesting scene *in the House of Commons.*" And what was this scene *in the House of Commons?* and who were the actors? the *honest* "gentlemen of Ireland" *(in that House)* "contending for the liberties of Ireland, against a corrupt Minister, and *his corrupt phalanx,*" *(in that House:)* "patiently maintaining a fight, for 21 hours one time, for 18 hours the other," *(the duration of each Debate,)* "which exhibited the strongest opposites of political vice and virtue," *(in that House.)*

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man's speech, that they both perfectly agreed in opinion; for, at the long run, it turned out that the learned gentleman was *only* endeavouring to prove that, *so long as the constitution lasted*, the Parliament was competent to enact any measure; because, when they violated any of the fundamental laws of nature, then *the constitution was dissolved.*"

This argument, as I conceive, proves absolutely nothing, unless we concede what Doctor Browne is made tacitly to *assume*, and which I utterly deny, that to conclude a Union is to violate the fundamental laws of nature and to dissolve the constitution.*

Blackstone appears not to have been aware that such was the effect of legislative incorporation. Probably that frivolous writer conceived that Union only *changed*,† without *dissolving* the constitution—that it only altered the *means* by which the *ends* of the constitution should be attained—that it operated not on the *substance*, but only on the *modes* and *forms* of our establishment. He cannot have agreed with the misreporter of Doctor Browne's argument, that legislatively to incorporate our Parliament with that of Britain would be to dissolve the Irish Constitution; for Comment. vol. i. p. 160, he pronounces Parliament to be competent to enact Union; and, in p. 161, he denies that parliamentary supremacy can survive the constitution.‡ These passages would be contradictory, if the learned commentator conceived that to conclude a Union would be to subvert the constitution.

I cannot hesitate to conclude that the argument of this respectable and constitutional lawyer, Doctor Browne, is misrepresented; for (as given in the paper) it proves nothing, unless that learned gentleman assume that Union must dissolve the constitution of this country; and this he never can have intended to do; since it would be by a side-wind to pronounce that the constitution of Scotland has, for the last ninety years, been in a state of anarchy and dissolution—that his Majesty is but King of England and not of

* Doctor Browne afterwards became a convert to the opinions and arguments of Sir William Smith.

† And so to change, he pronounces to be within the competence of Parliament, (p. 160.)

‡ His words are—"*So long* as the English Constitution lasts, we may venture to affirm that the power of Parliament is absolute and without controul."

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Great Britain—and that Irish independence, founded on the act of renunciation, is a baseless fabric.

Montesquieu, in the eleventh book "de l'esprit des Lois,"—treats "des lois qui forment la liberté politique, dans son rapport avec la constitution;" and the book opens as follows:—

IDEE GENERALE.

"Je distingue *les lois qui forment la liberté politique dans son rapport avec la constitution*, d'avec celles qui la forment dans son rapport avec le Citoyen. Les premieres seront le sujet de ce livre ci."

The law of Parliament clearly comes within the description of those on which this book professes to treat; it is emphatically that species of laws—"qui forme la liberté politique, dans son rapport avec la constitution."

Let us see then what Montesquieu's opinion seems to be of the power of Parliament, as this opinion may be collected from the 6th chapter of this book, in which he treats of the British Constitution.—"Quand les Deputés representent un corps de peuple, comme en Hollande, ils doivent rendre compte à ceux qui les ont commis: *c'est autre chose* lorsqu' ils sont deputés comme en Angleterre."

The reason why the deputies of the United Provinces are accountable to those who commissioned them, is very obvious: it is because in the Federative Congress in which they assemble, they represent the towns or provinces which appointed them, much as a Chargé des Affaires represents the state from which he comes; but very dissimilar is the situation of a member of our House of Commons: he represents not exclusively the constituents who returned him, but becomes a part of the national representative body; and when Montesquieu informs us that he is not accountable to those who have elected him, does it not follow that these electors have no constitutional right to ratify or reverse the ordinances of their legislature?

"Le grand avantage des Representans, c'est qu'ils sont capables de discuter les affaires: le peuple n'y est point du tout propre: il ne doit entrer dans le gouvernement que pour choisir ses representans." Having done this, the people, according to Montesquieu, is functus officio, and it is obviously incompatible with the spirit of his opinions, to require their consent towards confirming the act of their legislature; indeed it may be said in the language of the

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same writer, (c. ii.) that those who claim such a privilege for the populace—" ont confondu le pouvoir avec la liberté du peuple."

Another passage from Montesquieu, (c. ii.) and it is the last which I shall cite, appears to me to bear materially on the present question:

" Il y a toujours, dans un état, des gens distingués par la naissance, les richesses, ou les honneurs; mais s'ils etoient confondus parmi le peuple, et s'ils n'y avoient qu'une voix, comme les autres, la liberté commune seroit leur esclavage, et ils n'auroient aucun interêt à la defendre, parce que la plupart des resolutions seroient contre eux. La part qu 'ils ont à la legislation doit donc être proportionneé aux autres avantage qu 'ils ont dans l' état; ce qui arrivera, s'ils forment un corps, *qui ait droit d'arrêter les entreprises du peuple*, comme le peuple a droit d' arrêter les leurs. Ainsi la puissance legislative sera confiée et au corps des nobles, *et au corps qui sera choisi pour representer le peuple.*"

On the above passage I would make the following remarks: *First*, that Montesquieu appears to consider the lower House of Parliament as being, to *all legislative purposes*, the people. Our Lords and Commons are exclusively the subject of his discourse, and having twice described the latter as " le peuple," he at the close designates them with more precision, as " le corps choisi pour representer le peuple." He too well understood the spirit of our Constitution, not to know that the Commons really *represent* the people—that these latter possess no *direct* right of legislation—that there lies to them no legislative appeal. The members whom they return are their representatives, not their slaves—they are their legislative plenipotentiaries, and not the mere heralds of their transient caprice.

Secondly, I would observe that balance is the grand characteristic of our constitution: that the privileges of our nobles have the preserving of this equilibrium for their object; and that whatever safety and protection their legislative control and distinctness affords to the national aristocracy, would sink and be destroyed, (and overturn in its fall the balance of our constitution,) if the principle were once admitted, which subjects the decrees of our Parliament to the revision of our populace; which practically declares our Lords to be a useless state excrescence; and refers the ultimate sanction of our laws, non ad populum, sed ad plebem.

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"It may here, perhaps, be a digression neither in itself absolutely improper, nor entirely useless for the illustration of the subject before us, to observe that the British Constitution is *a composition of all* the legal *simple forms* acknowledged by the Greeks—monarchy, oligarchy, aristocracy, and democracy. Monarchy with us perfectly accords with the Grecian sense of the term. The Lords form the oligarchal part of the constitution; and the House of Commons properly the aristocracy; being composed of persons elected by the people *to legislative authority*, for merit, real or supposed. *The democratical principle, equal law*, or in the Greek term, Isonomy, singularly pervades the whole;" rendering, with exceptions too rare and trivial to merit notice, the highest ranks of the "people subject to the same laws, the same burdens, and the same judicature with the meanest citizen. *Rights of election, trial by jury*, and *parish and tything offices*, together with the *right of addressing and petitioning*, either the executive or any branch of the legislature, *form a large democratical power, more wisely given, and more wisely bounded, notwithstanding some defects, than in any other government that ever existed.*"

The above passage, which I have extracted from Mr. Mitford's History of Greece,* seems to supply the following observations: *First*, that a constitution which is *compounded* of the simple forms, cannot admit that principle of a necessity for plebeian sanction to legislative decrees, which would simplify this mixed government to a turbulent democracy. *Secondly*, that from persons invested with "legislative authority," there cannot lie an appeal to those who clothed them with such authority; for, if there did, this appellate jurisdiction would in fact be the legislature. *Thirdly*, that when the historian was defining the democratic power which our constitution has conferred on the body of the people, he would not have omitted so conspicuous a branch of it, as the right (now claimed on behalf of our populace†) of ratifying or reversing the decrees of their legislature, by their approbation or dissent: he would not, I say, have omitted it, if he conceived it to exist.

Having thus considered the question of parliamentary competence, on the grounds of precedent and authority, as

* Vol. i. p. 231.

† See Bar Debate, County and City Resolutions, An Address to the People, Pamphlets, Anti-unions, and Anti-unionists *passim*.

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well as of the mischiefs to which a denial of it would tend, it only remains for me to discuss it upon principle.

In fact, this has been already done; nor have I found it possible altogether to avoid the discussion of principles, whilst I was more peculiarly arguing the question on precedent and authority. Indeed, had it even been possible, I should not have tried to avoid seasoning in this manner the insipidity of such inquiries.*

Are not those writers founded *in principle*, who assert, with Blackstone, that "absolute, despotic power must, *in* all governments, reside *somewhere?*" Undoubtedly they are; and those very persons, who deny the competence of the legislature to enact Union, yet recognize a power in the populace of sanctioning this, or any measure, by their express consent; *i. e.* (not very conformably to the mixed nature of our constitution,) they lodge with the populace the absolute power of the state.

If despotic power must reside somewhere, it only remains to inquire where our constitution has placed it. With the King? No. With the Lords? No. With the people? No. The British system has lodged the despotism of the state, conjointly with the King, the nobles, and the people, acting *by their representatives in* Parliament.

Is not Parliament the *sovereign* authority of the state? Can any thing be imagined superior to the sovereign? And do not those who invest the body of the people with the power of achieving that by their consent, which they deny the Parliament to be competent to perform, set the populace above the sovereign power of the state? Who, but an Irishman, could understand this *subordinate supremacy* of Parliament?

But such doctrine involves something far more mischiev-

* This question of parliamentary competence had been well discussed, in a pamphlet entitled *Reasons for adopting a Union*. It had, also, long *previously* to the publication of that pamphlet, been discussed, on principle, in letters published in the Dublin Journal, and signed *a Barrister* (a). The discussion occurs in letters II., III., VIII., and especially IX. Between the arguments used in the ninth letter, and those afterwards urged in Parliament, on the first day of the session, by Lord Yelverton, a striking resemblance may be traced;—a circumstance by which the Author of those letters was highly flattered; and perhaps not the less so, from having learned that his lordship had never seen that letter, though published some months before; and therefore that the resemblance was a mere accidental coincidence.

(a) Written, in fact, by Mr. (now Sir) William Smith himself.

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ous than a blunder:* it subverts the principles of our constitution: makes the populace the sovereign, and the government a democracy. Le peuple le veut—should form the mobbish assent to public acts: le peuple s'avisera, is a form for which, I fear, there would be little need!

If the many-headed monster is thus to guard the constitution, and become viceroy over its sovereign Parliament,—if it is to be invested with a legislative veto,—better it would be to appoint tribunes at once. The interposition of such a magistracy would soften the exercise of this tumultuary power: we should, besides, know the nature of the government beneath which we lived; and not delude ourselves by the resemblance of a mixed constitution, whilst in fact we were the slaves of a despotic democracy.

In short, if we must change our government for a republic, I wish it to be done openly; but I am far from desirous of such a change. I learned from the text of Montesquieu, before I had yet perused the bloody commentary of France, that "la democratie, et l'aristocratie ne sont point des etats libres: il est vrai que dans les democraties le peuple *paroît* faire ce qu' il veut; mais la liberté politique ne consiste point á faire ce que l'on veut: *la liberté politique ne se trouve que dans les gouvernemens moderés.*" I therefore cling to our mixed and moderate constitution; and to the sovereignty of our Parliament, as one of the principles on which it stands: I deprecate a republic; but, if we must have one, I at least wish that we may not be entrapped by a *republic in disguise.* But, forsooth, it is only upon *extraordinary* occasions (such as this of Union), that these millions of Ephori claim to review the decisions of their sovereign legislature; and deny the competence of Parliament to make laws without their express consent!† That is to say, *the populace* are, under certain circumstances, constitutionally entitled to dictate to their Parliament; *and the same populace* are to decide whether those circumstances have arisen! The populace is to resolve itself into a committee of the whole nation, to inquire whether their right of popular

* It will appear, upon reflection, that, if we admit an appeal from the House of Commons to the people, it is little, if any thing, short of a bull, to call the former a *representative* body. But does not the agent *represent* the principal? He does; and accordingly his acts BIND his principal—nay, his very declarations, if they form a part of these *res gestæ.* But an agent may be removed. True; and so may a legislative representative, on a dissolution, or at the end of seven years.

† See Anti-union, No. 14.

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despotism has accrued; and by the report of this mob is their title to be ascertained!

I have always understood that our nobility formed an *independent* branch of the sovereign power of the state—as independent of the popular branch, as this latter was of it. Montesquieu informs me that the peers should not be confounded with the body of the people; but should form apart "un corps, qui ait droit d'arrêter les enterprises du peuple." Methinks, in the system which requires, towards ratifying an act of Parliament, the express consent of the body of the people, I discern a plain subversion of the independence of the aristocracy.

I see their privileges lost and swallowed in the claims of the remaining classes of the people: I find that authority of our nobles, which ought to balance the power of the people, kick the beam. In the exorbitant liberty of the populace, I behold the slavery of the Peerage;* and I lament over the destruction of that legislative equilibrium, on which depends the freedom and excellence of our constitution.†

I have always fancied that the King was an *independent* branch of the sovereign legislature; but the writers of the day inform me, that "the Parliament" (consisting of KING, Lords, and Commons,) "will usurp, if they assume a power to enact a certain law, called Union, without the express consent of the people."‡

Here we behold the independent crown, as well as the independent peerage, made subservient to the wishes of a domineering populace.

The Lords make a part of the people; and no less a man than Montesquieu conceives, that, towards preserving their

* "S'ils etoient confondus parmi le peuple, la liberté commune seroit leur esclavage."—*Montesquieu.*

† By our constitution, that which is even unanimously agreed to, by *the representatives of the people*, does not thereupon become law. The concurrence of the Lords, the assent of the King, are requisite towards making it so. How are we to administer this constitutional principle, if an appeal lies from the House of Commons, to those by whom its members were returned? Are the populace, not by their representatives, but themselves in person, to bring up their bill, their *plebiscitum*, to the Lords for their concurrence? or is their ψηφισμα to be law without such concurrence? If the latter, then what becomes of the fundamental rule, that that only can be law, which is the concurrent act of King, Lords, and Commons? In this latter case, too, we have *les nobles confondus parmi le peuple;* and what, according to Montesquieu, will follow? That *la liberté commune sera leur esclavage.*

‡ See, amongst other publications, *The Anti-union,* No. 14.

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liberties, and *maintaining the constitution*, it is necessary that they should not be mingled in the common mass of population; but that they should opine distinctly and *independently*; and should check, as well as be checked by, the other classes of the community. This mutual controul is practicable, so long as the populace do not pretend to legislate, save by their representatives;* but what becomes of this reciprocal check, if we admit the doctrines of the day, that the noble portion of the people having concurred with King and Commons in enacting a certain measure, an appeal lies from these *independent* nobles, to the less distinguished inhabitants of Ireland?

But legislators (it is said) are only competent to make laws under the constitution: they have no right to meddle with the establishment itself.

What a vain and idle distinction! how unsupported either by reason or by facts! The Habeas Corpus Act, the Act of Settlement, the Bill of Rights, (the reader's memory will readily enlarge this list)—have these legislative acts no connexion with the constitution? or, if they have, were the Parliaments incompetent to enact them?

This silly limitation of the competence of Parliament (silly, because the laws of a country are intimately blended with the constitution,†) is exactly conformable to the doctrine preached by Paine, and practised by the French. It is that profound and modest statesman, Mr. Paine, who has informed us of the different functions of the first and second, (the constituent and legislative,) assemblies of France. The former, he says, was appointed to *make a constitution*: the latter—*to legislate according to forms prescribed*.‡

This may be the constitutional theory of France; but it

* Montesquieu thinks they should no otherwise interfere. "Il y avoit un grand vice dans la plupart des anciennes republiques; c'est que le peuple avoit droit d'y prendre des resolutions actives: *il* (le peuple) *ne doit entrer dans le gouvernement, que pour choisir ses representans;*" and we have already seen that he does not hold these representatives to be accountable to their constituents.

† Montesquieu was aware of this, when he treated of the constitution of England, under the head "des lois qui forment la liberté politique, dans son rapport avec la constitution."

‡ In suspending the habeas corpus act, Parliament meddles most importantly with the constitution, by surrendering for a time into the hands of Government, those liberties of the subject, the protection of which is the main end of the constitution. Yet no man doubts Parliament to be competent to this suspension.

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is not that of Britain. Ours is not one of those obstinate and incorrigible systems, which must hobble on through ages, accumulating abuses, or only getting rid of them by periodical revolution: our constitution admits the principle of self-correction: steady to its objects, which are freedom and good order, it pursues the path which the period supplies, for their attainment; and possesses, in the boundless competence of its legislature, the means, as it rolls its blessings through ages, to posterity, of peaceably and imperceptibly adapting itself to circumstances as they arise: of attending, with suitable provisions, the successive changes of powers, and interests, manners and opinions; and of keeping pace with Time, by safe and gradual innovation.

But it is said, that if the legislature be despotic, it is tyrannical. Yet those who raise this objection, propose a system, which does not abridge the despotism, but merely transfers it from Parliament to the populace.

They ordain a legislative appeal from the three estates to the people: from the sovereign to the subject.

By Solon's constitution, (against his own desire, but agreeably to the rooted prejudices of his country) "to every free Athenian was preserved his equal vote in the *assembly of the people*, which (assembly) remained *supreme*, in all cases legislative, &c. *A foundation of evil* (adds the historian*) *so broad, that all the wisdom of Solon's other regulations was weak against it. Yet his other regulations were replete with wisdom.*"

Now those who insist, in certain cases,† on the necessity for popular assent, to ratify legislative acts, seem to me to *render the assembly of the people supreme in legislative cases;* and thereby not only to lay an incurably *broad foundation of evil,* but directly to violate the principles of our mixed constitution.

Absolute power must exist in every state. In monarchies it resides with the king: in oligarchies and aristocracies, with the nobles and eminent men; and in democracies, with the people.

In the British constitution the same absolute power exists; but it is distributed between the king, the great men, and the body of the people. *In this distribution, and not in the limited or controulable authority of the sovereign legisla-*

* Mitford.

† Which, whether they have arisen, the people is itself to judge.

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ture, is found the security for the public freedom; and the answer to those, who ask what difference there is between the despotism of five hundred legislators, and that of a single Nero?

The sovereign legislature of a mixed government is composed of bodies extracted from the various orders and interests in the state; and the branches of this legislature being independent of each other, no concurrence can be obtained, nor consequently any act of sovereignty be performed, except on the terms of a compromise, in which the interests of all parties are duly consulted; as well the interests of the distinct legislative bodies themselves, as of those more public and national interests, which they respectively represent.*

Thus the subjects of the British constitution are governed (as the subjects of every state must be) by a sovereign, and absolute power; but in the distribution of this despotism, the British subject finds his security against its being abused.

He is governed by a legislature, composed of the various interests of the state; and consequently where every interest is protected from tyranny and invasion: he is governed by legislators, who, by the principle of equal law, are subject to the burthens or punishments which they impose: he is governed by rulers, whose interests identify with his own; and by a despotism which is so lodged, as to be harmless.

The difference between the despotism of the British legislature, and a tyranny, consists in that principle of mutual check, and balance, which pervades the legislative body. But this balance (which is the security of the subject's liberty,) is at once subverted, by that fashionable system, which disputes the competence of the three estates, and would vest the right of legislative supremacy with the body of the people.

But if, spite of the security afforded by its frame and composition, the legislature should at any time tyrannize, must the people patiently endure oppression? I am far from maintaining any such doctrine. There are extreme cases, where an oppressed people would be warranted in rising against its tyrants, and shaking off their yoke: but

* Every interest (by the way) may be said in some sort to represent those with which it identifies; for in guarding itself, it must protect them.

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they would, in doing so, be exercising no rights conferred by the constitution; but recurring to the paramount and unalienable rights of human nature.

I only contend that a right of revolt is not a constitutional privilege; but on the contrary results from, and presupposes, the destruction of the constitution: that, whilst the political fabric holds together, Parliament is absolute, and without controul:* that to doubt its competence, is to doubt the existence of the constitution; and that from its decrees there lies no appeal, but to the sword.

Parliament being the only organ of the sovereign will, which the political system of these countries has recognized, a Union, however beneficial or necessary, could be no otherwise, than by Parliament, *constitutionally* brought about; inasmuch as that "devolution of power" from the three estates "to the people at large," which a denial of Parliamentary competence must imply, would "include in it a dissolution of the whole form of government: reduce all the members to their original state of equality; and, by annihilating the sovereign power, repeal all positive laws, and compel us to build afresh upon a new foundation."†

Surely we shall hesitate to deny the competence of Parliament, since in doing so we overturn the fair edifice of our constitution, and substitute misrule and anarchy, for order.

What then are the limits of legislative dominion? In the constitution, none. Parliamentary authority has no boundary, but revolt.

If a Union with Great Britain appear calculated to promote the welfare of this country, it is to be presumed, that we shall not take arms against our own prosperity, and dissolve that constitution, by whose dissolution alone we can terminate, or abridge, the omnipotence of our legislature. Thus, I am warranted to discuss the advantages of Union; since I cannot shew this measure to be serviceable to Ireland, without at the same time proving that Parliament is competent to achieve it.

No act that is beneficial, can be illegitimate: no legislature can be incompetent to procure the happiness of the nation. A contrary doctrine would arrest government in

* Blackstone's Commentaries, page 161.
† Ibid, page 161.

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its progress to that end, for the attainment of which, it was originally framed.

The opponents of Union never fail to describe it as a surrender of Irish independence: permit me here, once for all, to deny the justice of this description: Union is no surrender of our national independence: it is merely an incorporation of our national distinctness. To blend two substances together, is not to lessen the quantity of either; and so far am I from conceiving, that by legislative incorporation, we shall surrender our independence, that, on the contrary, my opinion is that we shall increase it; if a full and real participation in the privileges of the British constitution be independence. Union is merely a local transfer of our legislature: a changing of the centre, from which its power shall emanate: it is no annihilation of the free spirit of our constitution:

> "Morte carent animæ,—semperque, priore relictâ
> Sede, novis domibus habitant, vivuntque, receptæ."

But it is objected, that in this transfer, we abridge the numbers of our legislative body. The objection is answered by observing, that, if equitable terms of Union be proposed, we shall elect, to the common legislature, a sufficient number of Lords and Commons, to give us an adequate, protecting weight in the imperial councils; and thus shall have as good security for partaking fully in the benefits of the common constitution, as is possessed by the population of any territory in the empire. Do the inhabitants of Ireland, in their present horde of legislators, find a surer guarantee of freedom and protection, than (to recur to our hackneyed example,) is possessed by those of Yorkshire? Yet these latter stand at present in the very same situation, in which, if a Union on fair terms were concluded, we should stand: their representatives form part of the British Legislature; their interests form a part of the common interest of Britain.

It has often struck me, that, if any person were to come in, during the height of a debate upon the subject of Union, and, ignorant what the intended measure was, were to hear it reprobated as a base surrender of our liberties and constitution, he would never guess that the only question was, whether or not we should incorporate with Britain:—he would never guess that the measure, which was repre-

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sented as being so mortal to our liberties and constitution, would not only leave us under the mixed government of three estates, *and consequently leave the Irish subject possessed of whatever liberty is secured to him at present*, but would put us at once into the *actual* and *full* possession of the best and freest constitution upon earth.

Much of what is urged, as argument, against a Union, seems founded on this erroneous notion,—that the incorporation between the sister countries would be merely legislative, but that their interests still would remain distinct. On this weak foundation rest the fears of those, who suppose that, after Union, the interests of all Ireland would be sacrificed to the sordid and narrow views of an English manufacturing town! Why should we apprehend that the interests of Ireland, any more than those of an equal portion of English territory, should after Union be sacrificed to the selfishness of a single manufacturing town?* No: if these countries shall ever be consolidated into one, a wise imperial minister will thenceforth officiate at no sacrifice, but that of local prejudices to general prosperity—of national sordidness, to imperial welfare.

The Dean of Gloucester has cast some merited ridicule on that narrowness, which could alone give room for such apprehensions as I have been removing. His words are these: "But Ireland is more advantageously situated for the trade to the West Indies:—therefore?—therefore we must deny *our own people*" (*i. e.* the Irish) "the benefit of trading, because they are advantageously situated for carrying it on! this is a weighty argument! Bristol, for instance, is better situated for the Irish trade than London; therefore let us Londoners petition that the port of Bristol may be locked up!"†

The above passage, and others in the same work, are the more deserving of attention, because, being intended to reconcile the English mind to a Union, they *imply* (and will all be found to do so) *that such an incorporation must inevitably promote the commercial interests of Ireland;* and proceed to shew, that this can be no objection in the eyes of sound policy, but only in those of self-interest.

* I allude here to a passage in one of the best pamphlets which has appeared against an Union, written by my friend (as I hope he will permit me to call him) Mr. Jebb.(a)

† Dean Tucker's proposal.

(a) Now one of the Judges of the Court of King's Bench in Ireland.

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But does Mr. Pitt coincide in opinion with the Dean? I shall leave that enlightened minister to answer for himself. "I will say that, for a hundred years, this country has followed a very narrow policy with regard to Ireland. It manifested a very absurd jealousy concerning the growth, produce, and manufacture of several articles. I say that these jealousies will be buried by the plan" (of Union) "which is now to be brought before you."* I can entertain no fears that the statesman who thinks thus liberally, and speaks thus frankly, will, after a Union, make "the influence of all Irish Members submit to the mechanics of a single English town."† It would be against the interests of the empire, that Irish influence should so yield; and there needs not any partiality on the part of Mr. Pitt towards Ireland, to prevent him from sacrificing, to the narrow views of a *single town*, the general interests of *that empire* which is entrusted to his care.

Let the reader continually keep in mind, that Union will give a *common* interest to both countries; and he will find this principle capable of repelling much of what is urged against the measure. Let him, at least, call upon those who are so clamorous against Union, to prove that it will not produce this identity of interests.

A considerable clamour has been raised against those who avow an opinion such as mine, upon the present question; and this I think the more indiscreet, because an attentive inspection of the ranks of Anti-union, though it brings many most respectable persons to my view, does not, on the whole, impress me with the idea of a *wise* battalion, disinterestedly engaged in the cause of patriotism and public spirit. I descry some Jacobins and separatists amongst them; and find it hard to reconcile *such* opposition, with the assertion that the measure is deadly to British connexion and internal peace, and is directly calculated to further the views of France. If so, why do democrats and separatists oppose it? I behold ambition wrapping itself in a thin disguise of patriotism, and professing to resist the measure out of love to Ireland, when in truth it is resisting it out of love to self. These patriots perceive that Union drops the curtain on their views,—puts a stop to contra-

* See Mr. Pitt's speech on the question of Union, as given in the Star of January 24th.

† Mr. Jebb's Reply.

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band advancement,—shakes the dear profitable jobbing system to its foundations,—and throws these intended great men back upon the unaspiring ranks of mere vulgar integrity, diligence, and information, which they were so accustomed to outstrip and to despise! Some of these men know that there is a certain branch of commerce, which I do not mean to say ever existed in this country, but which Union is not calculated to promote: it is called the trade of Parliament. I behold citizens of sober fame converted into statesmen,—a situation for which their habits so peculiarly adapt them, that Swift long since pronounced "a small infusion of the alderman to be necessary to those who are employed in public affairs." Scorning to prefer "solid pudding to empty praise,"—friends to freedom, though they hug their chains,—loving Ireland almost as well as Dublin,—this formidable body takes the field against a Union:

"*Monstrum horrendum, informe, ingens, cui lumen ademptum.*"

I have not heard that government means, by uniting it with Great Britain, "*to surrender the free legislation of this kingdom,*"* and should, for my part, disapprove a Union on such terms: but it suits veterans, decked with the laurels which they gained at umbrage, to march to the prevention of this imaginary surrender.†

I hear county meetings shout against a Union; and I collect the degree of respect to which their clamour is entitled, by the obliging promptitude with which they have contradicted the silly assertions of Lord Somers, Coke, Blackstone, and all Scotland, by informing us that the Irish Parliament is incompetent to enact Union.

I find *some* attornies brawling against a Union, and sacrificing to their aversion from this measure, their respect for the independence of Parliament, (which is part of the liberties of the people,) and their plain and undoubted duty to their clients; by attempting to deter professional Members of the House of Commons from entertaining a free opinion on the question,—by offering a bribe of briefs to those who vote against a Union,—and by selecting the

* See the resolutions of the Corporation of Dublin against a Union.

† Allusion to an old anecdote of a Dublin alderman, who, reading in a newspaper that the French had taken umbrage, searched (it was said,) the gazetteer, to find out where and what umbrage was.

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counsel to whom they will commit the interests of their employers, not according to the talent or information, but according to the political sentiments of the bar. I find some chieftain patriots oppose a measure which abridges their influence, emolument, or importance; and a clan of *private* patriots following in their train. I see certain true-blue personages* look blue as need be, at the prospect of a Union; and I do not conclude, from this appearance, that the measure is calculated to prolong religious discord, or foment the divisions of the Irish people. I see Dublin swoln to such magnitude and splendour, that it even seems to obstruct the patriotic views of its inhabitants, and stand between them and the general interests of their country. I see the Bar of Ireland, who have my love, my gratitude, and my respect,—to whose public spirit, surely, Ireland is indebted,—take a part in the present question which gives me pain. I see a phalanx of *consistents*, who discuss not the merits of a measure, but merely inquire the quarter from whence it comes: these take the field, not against Union, but against government, or Lord Cornwallis; and their zeal proves nothing as to the intrinsic nature of the measure. Others indeed I behold, who, in opposing government, are deviating from the most inveterate habits;—men of whose independence we can entertain no doubt, since, if they hold places, it is not during pleasure, but for life. I have now rode along the line, and shall close my brief review with this trite remark—that the owner of a glass-shop should not be the first to throw stones.

Of the opposite ranks I shall say nothing. Posterity and Time will decide upon their conduct; and pronounce, of the blushing and black lists that have been published, which contained the most disinterested patriotism;—which is best entitled to the gratitude of Ireland.

"To incorporate both the British Isles together, and make one kingdom, in all respects, as to Parliament, trade, and taxes,† has long been the wish *of every generous, disinterested patriot of both kingdoms*; and indeed inexpressibly great would be the benefit on both sides: neither kingdom would be looked on as foreign to the other; and all

* *i. e.* a class sometimes called *High Protestants.*

† I am examining merely the *principle* of Union. How the islands should, *as to taxes*, be incorporated—*i. e.* what should be the proportion of Irish liability; how this proportion should be settled, and its observance be secured; are questions not regarding the principle of Union, but the *terms.*

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unnatural war between the commerce of the two nations would be at an end. But they" (the Irish) "would run away with our trade! Who would run away with it? or where would they run to? Why truly our own people," (he is speaking of the Irish,) "our own countrymen, who may as justly be called so as the inhabitants *of any neighbouring county*, would perhaps carry some part of a manufacture from us to themselves;* but what detriment would this be to the public? The people of Yorkshire have done the same by Gloucestershire and Wiltshire. Let us therefore, of these two counties, petition Parliament that the Yorkshire looms and mills may be destroyed, for they have run away with our trade! This is so absurd a proposal, that there is no person living but must feel it to be so. And yet is not this the very case, with respect to the objection against incorporating with Ireland? or, if there be a difference, I should be glad to know wherein it consists. Is Ireland to be looked upon as a distinct kingdom? So much the worse; for, as the two kingdoms have but one common head, one common interest, the same friends, and the same enemies, *they ought to have been long since consolidated together.* But, allowing it to be called a distinct kingdom at present, till it is united, so is Yorkshire a distinct county, and was formerly, in the times of the Heptarchy, a kingdom distinct from the two counties above mentioned: they are at a greater distance from each other; and *the communication between them is not so easy by land, as the other is by sea.*† It would be a tedious piece of work, to wade through such gross absurdities,"

* It is deserving of observation, that the writer whom I am here citing implies, by this passage, that Union would produce commercial advantages to Ireland.

† The writer of this sentence, it should seem, would lay little stress on the intervening channel, as an argument against a Union of the British Islands. He would not, by remarking, with Mr. Jebb, that "nature made England and Scotland one country," insinuate that she so made Britain and Ireland two, as that an objection to *political Union* could be founded on this *geographical division.* I ask Mr. Jebb's pardon for the liberty which I have taken more than once of introducing him into this discussion. There can be the less objection to the introduction, because he has given his name, and I give mine, to the public. In fact, his making his appearance here arises from the opinion which I entertain of his pamphlet—that it is the one most worth notice which that side of the question has produced. It is an able work, when compared with those which maintain the same opinion, and considering how untenable that opinion is. It is a work positively weak, but relatively strong. Its weakness belongs to the opinion—its strength to the author.

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(as the objections alleged by the enemies of Union:) "one thing is plain and obvious—*that self-interest, the bane of all public good, is driven to hard shifts, in order to cover such views as she dare not openly avow.*"*

Need I blush to support the principle of a Union, when in doing so, if the respectable Dean of Gloucester be right, I speak the sentiments of every disinterested Irish patriot?

"By a Union with Great Britain, Ireland would gain, *besides the freedom of trade*, other advantages much more important. The greater part of the people of all ranks would gain a complete deliverance from an aristocracy, not founded in the natural and respectable distinctions of birth and fortune, but in those of religious and political prejudices: distinctions, which, more than any other, animate both the insolence of the oppressors, and the hatred and indignation of the oppressed; and which commonly render the inhabitants of the same country more hostile to one another, than those of different countries ever are. The spirit of party prevails less in Scotland, than in England. In the case of a Union, it would probably prevail less in Ireland, than in Scotland. Without a Union with Great Britain, the inhabitants of Ireland are not likely for many ages to consider themselves as one people."†

In supporting a Union then, if Adam Smith be right, I not only vote for advancing the freedom of Irish trade, by putting an end to all commercial contests between the sister countries, (and thus removing a nuisance which the grants of 1779 left standing,) but for procuring advantages of far more importance to my country: for relieving the mass of her inhabitants from an oppressive controul: for promoting that tranquillity and concord, and industrious content, without which, no country, however advantageously situated for trade, can profit of the opportunities which nature, or accident have given her: in short, for making Irishmen consider themselves as one people; which thirty years ago, this inquiring man thought, without a Union, they were not likely to do for ages; and which the scenes of last year, and the events now passing, imperiously forbid us to pronounce that they have done, or to hope sanguinely, that, situated as we are, they will do.

* Dean Tucker's Proposal.

† Inquiry into the Nature and Causes of the Wealth of Nations, Book 5, chap 3.

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In point of commercial freedom, we are already (it is said*) in possession of every thing that England could grant. Even admitting this position to be better founded than it is, it is exposed to an easy answer. If Union substitutes, in the place of discord, and degradation,—internal freedom, harmony, and peace,—it will give the power which we *want*, of profiting by the advantages which we *have*: it will bestow a freedom of trade which will nourish, in place of one which tantalizes.

So far was the writer, whom I have cited, from conceiving that the interposition of the Irish Channel was an obstacle to our political incorporation with Great Britain, that the fifty times stronger argument which the Atlantic supplies, has not prevented him from recommending to lessen *the great scramble of faction and ambition*, by a Union between Great Britain and her American colonies.

He recommends the measure as calculated to deliver the latter from *rancorous and virulent factions*, and to promote American *tranquillity and happiness*: he recommends it, as tending *to prevent a total separation from Great Britain*, which, without a Union, he predicts as likely to take place.

I think that Ireland, as well as America, has *its* rancorous factions to remove; and tranquillity and happiness, yet to attain! and if experience has verified Smith's prediction of American separation, it but disposes me to attend the more to his opinion, that without a Union, the inhabitants of Ireland will be long a divided people.

But in the case of Ireland, are there no grounds for recommending Union, as a means of preventing menaced separation? Is there no danger of such separation, or of a dreadful effort towards it? The reports of our secret committees—rebellion—invasion—the principles of Tone, the nature of the manifestoes of Humbert and his colleagues, the paragraphs of the Press,† the annals of disaffection—the experience of every, even unthinking man—will furnish a ready answer to this question.

I know that we are in the habit of promising loudly from time to time, that we will stand and fall with England; but I would rather have the connexion between the countries depend on a political principle, than on a loyal rant, or generous effusion of transient sentiment, which a future moment of resentment may supplant.

* By Mr. Jebb. † A disaffected paper, so called.

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We, who promise such cordial adherence, are the same who, in the business of the Regency, put the connexion to such hazard; and who, in 1785, asserted that we could not, without impairing our independency, accept commercial advantages, on the only terms on which England could bestow them; and thereby expressed a jealousy, which suits but ill with our professions of attachment; and led to a doubt of the beneficial nature of that connexion, which sets our commerce and constitution in opposition to each other. We are the same, who have more than once, without waiting for Great Britain to lead the way, broached systems of parliamentary reform, which, by giving differently constituted legislative bodies to the sister countries, would have worn away the imperial link by which they are connected.

But if it be granted, that we are thus prepared to stand or fall with Britain, why refuse to reduce this cordial sentiment to practice? Why decline the most intimate connexion with a country, whose destiny, good or ill, we thus offer to partake?

To England, I believe, it is sufficiently apparent, that there *is* danger of, at the least, an attempt at separation: a combined and bloody effort of French and Irish Jacobins, which may harrass the entire empire, and make this unhappy country a theatre of war. So clearly do I suppose the English to discern this danger, that, as in the case of Scotland, "the consideration of the safety that was to be procured" (by Union) "brought them to agree to a project, "*that in every branch of it was much more favourable to the Scotch nation*,"* so, in the present instance, I expect that similar considerations will produce a similar offer, of greatly advantageous terms to this country.

It seems to be admitted, that the Scotch Union was a measure necessary for averting the evil of separation. Now, if it be granted that in the case of Ireland a similar evil is impending, will it alter the question, to shew that our danger does not flow from the same causes with those which operated upon Scotland? Surely not. Let it arise from whence it may, if the peril exist, and if Union would remove it, the measure is as expedient in our case, as in that of Scotland.

Great, I admit, is the difference between the cases: but

* Burnet.

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in the difference, I see additional arguments for present Union.

French connexion in 1707, was not what it is in 1799. That country had then a settled government; and was not occupied, as she is at present, in preaching insurrection, and scattering the seeds of disorganization throughout the world. She was not then the advocate for sedition in the *abstract:* the enemy of all establishment: the indiscriminate ally of all rebellious subjects. The state of England, Europe, and the world, was not in 1707, what it is in 1799. France was not then the formidable power, that she is now. If Scotch separation would have been mischievous in those days, Irish separation might be ruinous in the present. If imperial strength was then desirable, it may now be indispensable: if that Union with Scotland was necessary to British welfare, this Union with Ireland may be requisite to British existence.

But what is British existence to us? It is every thing: it is our own. Look at the situation of the sister countries on a map: consider our manners, our language, our common lineage, our interests, our connexion, our common and malignant foe. Weigh these things well, and you will not propose the question: a question which must come but ill from those, who profess their readiness to stand or fall with Britain.

Yet distinguishable as the cases may be, some resemblances between that of Scotland and Ireland may be traced. There, as here, we are informed by De Foe, that a strange and motley coalition of discordant factions formed the anti-Union band. There, as here, in aid of parliamentary exertions, "they studied to raise a storm without doors for the purpose of intimidation. Addresses against the Union were sent round all the counties in which those who opposed it had any interest. There came up many of these in the name of counties, boroughs, &c. This made some noise abroad, but was very little considered there, when it was known by what arts and practices they were procured."* But it may be said that this junction of dissentient factions† was equivocal; that it might be a patriotic sacrifice of party difference, to the object of effectually resisting the destructive measure of a Union. Was this the case? Hear from Tindal the common principle and motive which consoli-

* Tindal. † As mentioned above from De Foe.

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dated these various parties upon this occasion. "All those who adhered inflexibly to the Jacobite interest opposed every step that was made towards a Union, with great vehemence:" Why? "*because they saw that it struck at the root of all their designs for a new revolution.*"

Some future historian might perhaps think proper in the case of Ireland to adopt this sentence, with but slight variation; and record that "all those who adhered to the *Jacobine* interest, vehemently opposed every step towards that Union, which struck at the root of their revolutionary designs."* The party, however, was discomfited in Scotland, by the exertions of a small band of unpopular, yet acknowledged patriots, who supporting on principle the measure of a ministry to *which they were hostile*, turned the balance and carried a Union, which is not now denied to have been advantageous to Scotland. This honourable band, of which I shall again have occasion to speak, was known by the title of the Squadrone.†

But let me recur to Adam Smith's position, that Union may soften the rigours of religious prejudice and distinction, and blend the inhabitants of Ireland to one people.

It is impossible to advert to this consideration, without, at the same time, raising to our view the Roman Catholic body, their situation, their numbers, and their demands.

The claims of this great portion of the Irish people are, undoubtedly, supportable on some constitutional principles. For instance, it is the spirit of our constitution, that the House of Commons should be the representative of the combined property and population of the kingdom—that a certain stake in the country should give to the holder the elective franchise—and that he should be at liberty to exercise this by nominating what representative he pleased. This principle operates only in its first branch on the case of the Catholics. Catholic freeholders may elect, but not whom they please, for they must not nominate Catholic representatives; they are prohibited from entrusting their interests to those who might seem most likely zealously to protect them. But Parliament is open to the Catholic, on

* I do not mean to insinuate, what I believe to be untrue, that the opposition to Union has been confined to this description; or that many most respectable characters do not oppose it. To deny that the measure meets with much honest opposition, would be to fail in that respect which is due to Parliament, and to contradict my own conviction.

† Tindal.

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the terms of his taking certain oaths! that is to say, on condition that he abjures the tenets of his religion.*

But these incapacities (it may be said) are indispensable towards the protection of the Established Church. Let it be assumed, for argument, that they are. It is not my business here to discuss this question.

But if these disqualifications be, or seem, thus necessary in our present situation, it follows that Catholics need not be very averse from changing the situation which gives birth to the necessity.

Have I alarmed the Protestant by the above sentences? If I have, it was his prejudice, and not his reason, which took the alarm.

For, what have I said? only this: that if the present state of the empire render the Catholic claims incompatible with Protestant safety, the Catholic has no ground for protesting against a change.

But will his chance be bettered by a Union? I do not know. I am only suggesting that it will not be diminished. If it were not that the impossibility of a partial repeal of the test laws may stand in the way, I should say that the prospects of the Catholic *would* be improved. Does the Protestant object? the bigot may; but a mere friend to the Established Church will not.

The mere friend to the Protestant religion will rest his opposition to Catholic claims on the sole ground of their incompatibility with the security of the Established Church;† and, therefore, so soon as those claims become compatible with this security, the opposition of such a man will cease. Thus Union might stand recommended to Catholics, as tending to improve their views, and yet be nothing the more objectionable to Protestants on this account. For how would it better the Catholic views? if at all, by removing that danger to Protestantism (real or supposed) which might at present seem to attend a compliance with their claims.

* Or, in other words, ceases to be a Catholic.

† In demonstrating Catholic claims to be inconsistent with the safety of the Established Religion, it would, by necessary implication, be at the same time proved that they were incompatible with the security of the state. Such at least is my doctrine, who, not being one of Paine's school, admit, as a constitutional principle, the connexion between church and state. Indeed this connexion, and mutual dependence, is, in the present instance, a necessary and important effect of the appurtenance of temporal to spiritual power.

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Therefore, let it not be said, that I address each religion as it were—*aside*. Neither Protestants nor Catholics may think my arguments worth listening to; but whatever I address to one, I have no objection to the other's hearing.

I do not speak to Catholics, nor to Protestants; I speak to Irishmen. I speak to those inhabitants of this ill-fated country, who are not, but who ought to be, one people; even while a barrier is placed against the further advancement of the Catholics, who enjoy at present many of the substantial benefits of the constitution; and who are excluded from political power, not on grounds of hostility to them, but on the plausible, though I think mistaken, ground of apprehension for the security of the Established Church. These are my sentiments, and I supported the Catholic claims in 1795. Whether rightly or not, it would be foreign from my present purpose to inquire.

I have said that (the objection of the test laws out of the question,) Union might improve the Catholic hopes. Let me briefly state the grounds of this opinion.

The opponents of Catholic demands allege, that considering their superiority in point of numbers to the Protestants, to give them a nominal equality, might be to bestow on them an actual superiority, of political power. This objection, in our present situation, is plausible, I may admit.

But observe how the case would be upon a Union. The Catholics would undoubtedly in Ireland exceed the Protestants exactly as they do at present. But in the one United Kingdom (of incorporated Britain and Ireland) the Protestants would, as they do at present, greatly exceed the Catholics.

What would follow? That to make these latter nominally equal to the Protestants, would not give them an actually equal, much less a predominant weight in the empire.

Thus, on the one hand, every satisfied Catholic *individual* might be permitted to indulge the honest pride of feeling himself on a par with his Protestant brother—of feeling himself to possess capacity for an equal share, not only in the benefits, but the *honours* of the constitution; whilst, on the other hand, the Protestant body, superior in number, and consequently possessed of the greater portion of those capacities which were equally distributed amongst all, would feel that they were able to obtain complete security for their religion, without wounding, degrading, or alienating the Catholic subject. They would feel what in Ireland

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cannot be felt at present, that the popular religion was the religion of the state.

I cannot avoid (I do not wish to avoid, for I would be candid,) honestly confessing that a most able pamphlet, written by Doctor Duigenan, has made great impression on my mind.

But, notwithstanding the degree of temporal power, necessarily appurtenant to that supremacy which Catholic tenets deny the King, let us inquire how matters might, after the Union, stand.

The great mass of the United Legislature would be Protestant. How impotent would be the anti-supremacy of a Catholic minority!

To the Catholics, then, I say Union might improve their views; whilst to the Protestants I observe, that to this they could have no objection; since Union can no otherwise brighten Catholic prospects, than by rendering their importance quite compatible with the security of the Established Church.

But to Protestants I would say more. I would observe that though Catholic depression may be necessary, it is a necessary evil; and we should not cherish with too much bigotry, the situation which renders this depression requisite. I doubt whether there be not something radically faulty in that state of things, which founds on the even moderate depression of three-fourths of our population, the safety of the remaining fourth. It is the manly spirit of that British Constitution, beneath which, after Union we should live, that the great body of the people should not only be secure and free, but respectable and proud. If the present distinctness of Ireland render Catholics the necessary victims of an exception to this rule, I do not like our distinctness the better on this account. I do not know whether I have reasoned this matter soundly; but it should seem that our legislature argued in the same way, in the reign of Anne; when the Lords having failed in the attempt to procure a Union, the Parliament proceeded to enact the penal code.

When I consider the present situation of the world, I am the less attached to an order of things, which renders it necessary to risk alienating any body in the state, (though even by a system which is not so harsh as to justify such alienation,) and am the more willing to consider it as recommendatory of Union, that it may justify the removal

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of whatever, by offending the pride, damps the zeal of any portion of the people.

The present emergency demands the ardent loyalty of subjects: a sluggish and scanty allegiance does not suit the mighty crisis in which we stand. French agents are abroad —seducing a credulous people—magnifying every mote of grievance, to enormity; and exciting their dupes to fury and insurrection. Should we oppose terror to these delusions? It may be necessary; but alone it will not suffice. We should counteract one temptation by another: we should remove those grievances, which are the most dangerous weapons a Jacobin could wield: we should make the constitution lovely, that the people may embrace it: we should make our government such a source of pride and happiness to the subject, that no Jacobin will succeed in endeavouring to debauch him.

In a letter, which the late Mr. Burke did me the honour of writing me, above four years ago, on the subject of what was termed Catholic Emancipation, this necessity for interesting as many classes of the people as may be, in the conservation of the present political establishment, and thus administering an antidote to Jacobinical poison—this, I say, forms the hinge, on which all his arguments in support of the Catholic demands turn. Would to God, that these principles had been acted on! if not in granting the Catholic requests,* yet in doing graciously, what we felt compelled to do: in tempering theoretic, and political depression, with practical cordiality, and encouragement.—Would to God that Catholics had not lost the memory of what was granted—in the angry wish for what was withheld! nor polluted their pretensions, by the advocatism of notorious separatists, and traitors! Would that Protestant ascendancy had never been abused, nor in any case degenerated into bigotry and faction! that opposite parties had not vied with each other in civil rage, and supplied, by their distractions, so many arguments for a Union!—Would to God that the late gloomy aspect of affairs did not furnish a verifying comment on the prediction of Adam Smith, that, without a Union, the inhabitants of Ireland would not consider themselves as one people!

But suppose the claims of the Catholics, though submit-

* For granting which, however, Sir William Smith had spoke and voted in the Irish House of Commons, in 1795.

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ted to the remote and unprejudiced tribunal of an Imperial Parliament, should fail of success: though they should so fail, notwithstanding the new arguments which this change of circumstances, induced by incorporation, would have supplied in their support, does it follow that Union would injure the Catholics? Clearly not: it would only leave them where they are; unless they conceive that the same demands made at home, on less favourable grounds, and with more jealousies in array against them, would yet have a greater likelihood of success.

Nay, farther—though their claims should be rejected by the united legislature, does it follow that their situation might not be bettered by a Union? This point deserves to be examined.

Union might practically improve the situation of the Catholics, though it should leave them, in point of theory, where they were.

Protestant ascendancy standing, after Union, (as, whether Catholic claims were admitted or rejected, it must do,) on an impregnable foundation, would not need to be propped by favours and distinctions, which may now exalt the Protestant at the expense of Catholic feeling. The same security would assuage the Protestant mind—would heal his jealousies and apprehensions, and make him more susceptible of cordiality to his Catholic brother. Terror and suspicion are the usual parents of oppression.

If Union promote the wealth and trade of Ireland, it must practically increase the comfort and consequence of the Catholics, who compose the majority of Irish population.

If Union *practically* exclude many Protestants from that political importance which the present state of things permits them to enjoy, (and doubtless Union will abridge the consequence of some, and greatly interfere with the ambitious views of many, as perhaps the opponents of the measure need not to be informed;) then Catholics may sit down the more contentedly under that exclusion, to which the theory of the establishment has condemned them.*

If to see their Protestant brethren enjoying, under their eye, those honours of the constitution from which they are excluded, be grating to the Catholic mind, this is a mortification from which Union would relieve them.

The pre-eminence of the present resident aristocracy,

* An exclusion then shared, *ex hypothesi*, with many Protestants.

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being founded on political distinctions, is one in which the Catholic body cannot share. After Union, our *resident* aristocracy would be founded on those distinctions of birth and fortune which are as attainable by those of one religion, as of the other.

If there existed in this country any *local* prejudices against the Catholic body, which, to the theoretical depression of that persuasion, added a detail of more practical and galling contumely,—after Union these sources of complaint must cease.

By a Union, Adam Smith was of opinion that *the greater part of the Irish people* would be relieved from an oppressive aristocracy.

It does not become me to inquire whether this grievance does exist, or whether Union would remove it. I shall therefore content myself with observing, that the Catholics form *the greater part of the Irish people.*

On these grounds it strikes me, that Union (on those fair terms which *all* Irishmen should demand,) would be a measure beneficial to the Catholics.

And how beneficial to them? At the expense of Protestants? or at the risk of the Established Church? Quite the contrary.

For, if Union *should* improve the chance of Catholics for acquiring a greater share of political importance, how would it do this? By giving to the Established Church such firmness and security, as not even Catholic hostility (if Catholics *were* inimical,) could shake.

And if Union should, without theoretically aggrandizing, yet practically improve the situation of the Catholics, how would it achieve this? Chiefly by promoting the wealth and prosperity of Ireland,—by putting a period to the struggles of internal faction,—and by rendering the established religion so secure, as to silence all the jealousies of the most apprehensive Protestant.

Thus, however paradoxical it may appear, I think myself warranted in telling Catholics, that Union will be beneficial to them, *by securing the eternal maintenance and solidity of the Established Church.*

If this be so, I have, for the last twelve or thirteen pages, been using arguments which are so far from applying exclusively to Catholics, that they should recommend the measure to Protestants, at least as strongly.

I have already suggested, that the measure which gives

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Ireland tranquillity, must give her commerce—that to appease present distractions, and *permanently* silence the animosities of our people, will be to promote industry, and its attendant, wealth. How far Union will more directly confer commercial benefits, is a question which my slight knowledge of such subjects does not enable me to solve. In truth, I conceive it to be a question connected with the terms, yet (if ever) to be proposed; and therefore, in the present state of the inquiry, premature. Some opinions, however, I have upon the subject; and these I shall take the liberty of here throwing together, with much brevity, and with little regard to arrangement. I conceive that Union would give British capital to this country, and thus in a very obvious way promote our commerce. I conceive that a wisely-arranged incorporation would so identify the interests of the sister countries, that Britain would no longer exercise a narrow policy by this island, but that imperial prosperity would circulate impartially through all the members of the empire. A writer against Union has reminded us, that "the perhaps *(before Union)* necessary, though severe, policy of England closed the barriers against the only article of export" (live cattle,) "afforded by the cold, ungrateful soil of Scotland."* From this statement we may collect, that, so long as these two countries remain distinct, the commercial policy adopted towards us by England, which is severe, may yet be necessary; but, after Union, could it be requisite for the British Empire to exercise a severe policy against itself? If not, we behold another source of commercial advantage, which an incorporating Union would produce to Ireland. The value of the channel trade I cannot pretend to estimate, nor do the opponents of Union afford me steady light; for, as the same persons have been long inveighing against the Irish Parliament, who are on a sudden grown so clear-sighted to its vast merits, as to hear with indignation the mention of its removal, or even modification; so those whom I have heard rate the value of the channel trade very highly, have lately discovered that it is a worthless bauble. But our manufactures are to be destroyed, by the introduction of equal law! Here, again, we are prematurely entangling ourselves in a discussion of *terms*. If I recollect what Adam Smith has said on the subject of protecting duties,—

* Mr. Jebb's reply.

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it is, that they are not calculated to increase the sum of industry; but rather to turn, (perhaps injudiciously to force,) the national industry into a particular channel. This seems an argument against the principle of such duties; but when they have been established, and an infant manufacture is growing up beneath their shelter, it is so obvious that they ought not to be removed, that I make no doubt that Union would not be attended with their rash removal, or the immediate introduction of equal law. It is said, the metropolis would be injured by a Union. The provisos contained in this arrangement might easily counteract the general tendency of the measure to injure Dublin; even admitting it to have this tendency; and the metropolis would very principally gain by that acquisition of the British market, which would be generally beneficial to this kingdom, and which would be a necessary consequence of Union. At all events, for what this country lost in one quarter, she might be compensated in another; and the question is not what Dublin might lose, but what on the average Ireland would gain. The splendour of Dublin, I take to be artificial. It is not such a symptom of general national greatness, as, that given the wealth of Dublin, you can measure the prosperity of Ireland. The riches of Dublin (and so must be the case of every metropolis) arise from an accumulation, and determination of consumption, to that quarter: a mere concentration of national expense. Dublin might be less great, yet Ireland equally prosperous: the same wealth would not the less exist, because it circulated more widely. That greatness which Union might bestow on Cork, or which after Union might remain to Dublin, being commercial, would be more symptomatic of national prosperity. On these subjects, however, I avow my ignorance; and pronounce an opinion with hesitation. As to absentees, I believe Union would not produce the crop that is expected; and would replace those residents of whom it deprived us, by a valuable class of men, of which we stand in need. The metropolis would, for some, not have those attractions which it boasts at present; and what might be the consequence? That our noblemen and gentry, dispersed through the country, would live, and spend their money, more usefully, amongst their tenants, and on their estates. With respect to the increase of taxes, which Union might occasion, the present and future liability of Ireland could, by the terms, be fixed at a fair proportion; and an

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adherence to *the principle* of that proportion be secured: those who paint Union as a mere financial scheme of the British minister, do not alarm me; because, first, the adjustment of the terms is within our power; and secondly, to make Ireland productive, he must make her rich.

Besides, Adam Smith, a Scotchman, and approver of the Scottish Union, has assured me that Ireland by a legislative incorporation with Great Britain, "would gain advantages, which would much more than compensate any increase of taxes that might accompany that Union." But Smith, it may be said, would not assert this now: since he wrote, Ireland has acquired a free trade. I leave him to answer this objection, himself: the following are his words, "by a Union, Ireland, besides freedom of trade, would gain *other advantages, much more important.*" Again, it may be urged that, since Smith wrote, this country has obtained constitutional independence. But if the reader will observe the tenour of the passage cited* from this writer, he will find that the advantages to which he alludes, might still remain to be acquired.

In discussing the probable consequences of a Legislative Union between this island and Great Britain, we naturally turn our eyes (and I have already pointed the attention of my reader) to that which, in the beginning of the present century, incorporated England and Scotland. When we would expatiate too far in theory, this example, as it were, recals us; and puts us in the beaten road of practice and experience.

That Scotland has, since the Union, advanced in prosperity, I have never heard denied. That this advancement should be attributed to the Union, I have seldom heard controverted, and never disproved. Of those, who allege this progress as a reason in favour of Union, it might, I admit, be inquired by such as hesitate to impute the prosperity of Scotland to its incorporation with England, (if any such cavillers there be,) whether that country would have advanced less rapidly, if it had remained distinct. But give me leave to say, that, according to all rules of rational discussion, the burthen of proof lies directly on the other side. The advocates for Union shew a certain advancement in prosperity: let the opponents prove, (or offer reasons for presuming) that if no Union had taken place,

* In a former part of this Address.

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the progress would have been greater, or the same. Let it be shewn that the present relative position of Scotch and English prosperity is not in the ratio of their respective natural advantages; and that in the race towards commercial or other greatness, England has left Scotland more behind since 1706, than she did before; and it may seem presumable that the Union has been injurious to North Britain. But until this be shewn, such a position remains unproved. If in estimating the distance of these adjoining realms, from the most flourishing supposable point of national prosperity, the interval between the countries should appear to have been no wider since their incorporation, than before, it would seem that Union has at least been uninjurious to Scotland. But if, the relation of natural advantages having remained the same, Scotland has, notwithstanding, gained on her neighbour in the march, those strides towards prosperity seem attributable to the Union. Now let us see how the fact has been. The best writer against Union,* on the authority of Chalmers, and of Mr. Pitt, states English ability to have been to Scottish, at the period of the Union, as twenty-eight to one; and the proportion at the present day, to be as eight to one. An amazing pulling up of commercial distance on the part of Scotland.

But Scotland was poor in 1706, and Ireland is rich in 1799.

What is this to the purpose? If Union enabled Scotland to pull up a greater interval, does it follow that it will not permit Ireland to pull up a less?

I therefore feel myself to be warranted in stating, *first*, that the effects of Union on North Britain are relevant to the question which I have undertaken (very inadequately) to discuss; and *secondly*, that there is ground for what the law terms a violent presumption, that the prosperity of Scotland has been promoted by the Union.

Nor does it seem to me, that in sketching briefly the memoirs of that event, and what (connectedly) preceded it, and in *blending* with the extracts which I make from historians,† my own observations and deductions, with

* Mr. Jebb.

† And which I shall distinguish by inverted commas. An anonymous adversary, who has done me the honour of writing me a letter, in answer to this Address, (a) accuses me, in page 35, of having "*filled many pages with*

(a) An earlier edition of it.

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regard to Ireland, I shall perform a task, quite unacceptable to my readers, or impertinent to my inquiry.

"The uniting of the two kingdoms of England and Scotland, was *ever* thought of such importance to the wealth, strength, and tranquillity" *(not exclusively of England,** but) "of the island of Great Britain, that several attempts were made towards it, both *before* and after the Union of the two crowns, in the person of King James." Amongst these might be enumerated efforts so remote, as those of the wise and politic Edward I.; but we shall, for many reasons, take the matter up at a much more recent period. In the year 1503 was celebrated the marriage of the Princess Margaret, eldest daughter of Henry VII. of England, with James King of Scotland; "and Henry hoped from the completion of it, to remove all source of discord with the neighbouring kingdom." This alliance, however, failed to produce the desired effect. About ten years after, England declared war against France, the ancient ally of Scotland, (and modern supporter of Irish separatist and traitors,) which latter kingdom thus became entangled in the contest.

For, Scotland was a country inferior to England in power, and resources; and sought to augment her strength by a league with France; "and the Scots universally believed that, were it not for the countenance which they received from this foreign alliance, they had never been able to maintain their independence, against a people so much superior."

It had not yet occurred to them, that in Union they might find a bulwark against the superior force of England;

extracts from De Foe." Now it is a ludicrous fact, that, so far from filling pages with extracts from De Foe, I have not, throughout my whole address, made a *single extract* from that writer; and have but once, that I can recollect, (viz. in page 63,) even alluded to any matters as mentioned by him. I trust that this is not a specimen of the accuracy with which my anonymous correspondent has perused the whole of the work which he undertook to answer. On the merits of De Foe's History of the Scotch Union, I am ill qualified to offer any opinion; having never read, attentively or regularly, any work of that writer but his *Robinson Crusoe*; a much more entertaining and interesting production, I can assure my correspondent, than either my address or his answer. In truth, I even doubt whether, if we be inveterately determined against Union, upon any terms, it would be a waste of time to read a book, which may instruct us how a man can live merely by his own hands, and inhabit a desert island; or one which is but a haunt of savages, and a scene of murders.

* Any more than the Union under discussion would be importantly beneficial *exclusively* to England. It would benefit *the empire*, i. e. Great Britain *and Ireland.*

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and even make this force a part of their proper strength; that by incorporating with England, they would preclude for ever all assaults on their independence; since this independence could not be assailable, when it had ceased to be distinct: that a diversity of interests could alone render English power formidable to Scotland; and that to change terror into confidence, and convert English power, from an object of jealousy, to a ground of security, Scotland had but to identify its existence with that of England; and from having been a rival, become a member of the English Empire.

In like manner, Ireland is a country inferior to England in power, and resources; and might, as I suspect, if she conceived the mischievous design of separating herself from this latter country, be under the necessity of having recourse to the fostering protection, and countenance of France; nor, unless my memory misleads me, is it many years, since in a publication signed with the name of Arthur O'Connor, I have seen it pronounced that Ireland might league herself, indifferently, with France or England, accordingly as the one, or the other alliance seemed most conducive to her interests, or was most suitable to her fancy.*

Be this as it may, the French connexion above noticed, aided by the chivalrous ideas of James, who, having in all tournaments professed himself the knight of the Queen of France, now obeyed her romantic summons to take the field in her defence,—these causes frustrated the peaceful, and harmonizing views of Henry; and Scotland reaped, at Flodden, the bloody harvest *of her distinctness*, in the discomfiture of her army, and loss of her king, together with the flower of the Scots nobility;—offering an inviting opportunity, which England generously declined taking, of "gaining advantages over Scotland; and, perhaps, reducing it to subjection." Henry VIII. (not yet a tyrant,) preferred pursuing his father's design, of an amicable Union; and desirous "to bring the government of the island under one monarch, offered his daughter Mary to James V. of Scotland;" and made other advantageous proposals, "*which*

* The perusal of a letter, just published, from Mr. O'Connor to Lord Castlereagh, ascertains that I have not misrecollected the import of his former address to the electors of the County of Antrim. In the letter to Lord C., Mr. O'Connor avows himself to have maintained, in the former address, this right of Ireland to ally with France.

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the King of Scotland was inclinable enough to fall in with; but the French, who dreaded the effects of such a conjunction, found means to prevent it. This rejection of the proposed Union engaged the Scots nation, *against their will*, in a war with England, and occasioned the defeat at Solan Moss, which brought their king to his grave." That the French should have opposed zealously a conjunction, which would eradicate all hopes of separation, and give permanent imperial strength to Britain, is not more surprising, than that Jacobins should, at the present day, raise their voices so loudly and furiously against a Union.

"King Edward VI. pursuing his father's design of an amicable Union of the two kingdoms, proposed a match between himself and Queen Mary of Scotland, which had already been agreed on in the Scots Parliament; *but the French faction broke that agreement;* and brought upon the Scots another war with England, which ended in their defeat at the battle of Pinky, near Musselburgh. Notwithstanding this great victory, by which the English became possessed of most of the south of Scotland, yet Edward and his council were so far from designing a conquest of Scotland, *or the overthrowing the constitution of that kingdom*, that the Protector of England published a declaration, to invite the Scots to amity, and *equality*. We get in your land (said that declaration,) and offer England: intercourse of merchandizes, &c. &c. the abolishing of all such our laws as prohibit the same, or might be an impediment to the mutual amity. We offer not only to leave the title of conqueror, but the name of our nation; and to take the old, indifferent name of Britons. We seek not to take from you your laws nor customs: we seek not to disinherit your queen; but to make her heirs inheritors of England: *because, nothing should be left on our part to be offered: nothing on your part unrefused; whereby ye might be inexcusable. This,*" adds the historian, "*was a very generous proposal; but the French faction still made it ineffectual, and brought Scotland under a yoke of French tyranny;*" which greatly, and naturally, "incensed the Scots."

This historian, (by the way) does not seem aware, that to unite two kingdoms, is necessarily to subvert the constitution of one; for though the tendency of the Protector's proposal was a Union, he yet acquits the English of having harboured any design "of overthrowing the constitution of Scotland."

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"King James the first, soon after his accession to the English throne, moved the Parliament of England for a Union betwixt the two kingdoms; *that as they were made one in the head, so, among themselves they might be inseparably conjoined, and all memory of by-past divisions extinguished.*"

Now it is probable that James's prejudices were favourable to his Scottish subjects; and that he would not have proposed this measure, if he had conceived that Union would be detrimental to his country.

"The motion seemed to be generally well relished *by both nations;* whose respective Parliaments appointed commissioners;" but the business proceeded languidly *in England,* and finally fell to the ground. "The king," (a Scotchman,) "was extremely grieved at this; and conceiving that the work would be more easily effected, *if begun in Scotland,* called a Parliament there. The estates readily allowed all the articles, provided the same should be ratified in the Parliament of England. But the *English* Church party defeated all endeavour to accomplish that Union. They soon discovered James's foible; and found out other employment for him; which was to advance his prerogative in Scotland; and concurred with him as heartily in that," (to the subversion of the liberties of that kingdom,) "as they opposed him in the Union."

In this instance we find, that to reject Union may not always be to promote the liberties of a country.*

"In the reign of Charles I. we do not find a Union to have been once mentioned: an ill-timed zeal for the Church of England had so great an ascendant over that prince, as to engage him to overturn the Constitution of Scotland."

The above passage implies a contrast, which our modern Irish patriots will find it difficult to comprehend, viz. between Union, and the subversion of a constitution.

"Soon after the beginning of the civil wars, there was a confederacy between the two kingdoms, which continued, with interruption, till it was entirely broken in 1650. On the 12th of April 1654, Cromwell published an ordinance, for uniting Scotland with England. Thus stood the Union for some years; *during which, it is said, the Scots nation was never more easy; nor justice more impartially administered.*"

* It does not follow, because James thus appears to have loved his own power better than the liberties of his Scottish subjects, that he would not have preferred the interests of (his native) Scotland, to those of England.

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"At the Restoration, every thing relating to Scotland was put upon the same foot as before the civil wars: the ill effects whereof were soon felt in many instances; particularly by the passing of acts relative to trade, which not only stirred up old, but raised new animosities. The Scots made heavy complaints; but without redress," *until* the year 1670; when "the Parliament *of Scotland* passed an act, empowering King Charles" to appoint commissioners of both countries, "to treat about the Union;" the "reducing both Parliaments into one:" but "the Scots commissioners insisting that none of the constituent members of the Parliament of Scotland should be excluded from the Parliament of Great Britain, thus the treaty came to nothing; these commissioners not only insisting upon their old pretences, but likewise that they could not so much as treat of a Union, till all their constituents had consented." (We go farther here in Ireland; and require the express consent of the whole people, electors or not.)

"Thus, though the first motion of a treaty came entirely from themselves, it was the Scots who broke it off. The secret motives of their doing so, proceeded, it is said, from some about the court, who at first fancied they could increase their power and influence by the Union," (and therefore were good patriots, so long as the public interest seemed to coincide with their own,) "being afterwards convinced it would have quite another effect."

"In the time of James II. there was nothing done in the Union; the court being taken up with other designs. But though in the reign of William and Mary both nations were too much distracted, to think in earnest of uniting the two kingdoms, yet, the same *being proposed by the Scots convention of the estates*, who appointed commissioners, to treat upon that matter with England, King William, in his speech to both Houses of Parliament, on the 21st of March, 1689, recommended to their consideration, a Union with Scotland. The *English* Parliament took little notice of this recommendation; *so that no answer was returned to the Scots Parliament;*" (who appear to have been the instigators of the measure,) "and the business rested till the year 1700; when the King, in his answer to an address of the Lords, took an opportunity of putting that House in mind of what he had recommended to his Parliament, soon after his accession; viz. that they would consider of a Union between the two kingdoms: that his Majesty was

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of opinion, that nothing would contribute more to the security and happiness of *both;* and was inclined to hope, that after they had lived an hundred years under the same head, some *happy expedient,* in case a treaty were set on foot for that purpose, *might be found, for making them one people.* Hereupon the Lords passed a bill, for authorizing Commissioners of the realm of England to treat with Commissioners of Scotland, *for the weal of both kingdoms.* But the Commons" (of England) "refusing their concurrence," the wishes of Scotland were for the present unfulfilled, and "the business of the Union went no farther."

"This great work therefore, was reserved for the reign of Anne; for though the negotiation which was set on foot soon after her accession to the throne, *unhappily* miscarried; yet, it being resolved to endeavour again the Union of the two kingdoms, powers were given to the Queen, by the Parliaments of England and Scotland," according to which she appointed commissioners for both countries. Amongst the English Commissioners were the Lord Keeper, Lord Godolphin, the Earl of Sunderland, Lord Somers, Sir John Holt, Sir Simon Harcourt, Mr. Harley, and Mr. Boyle: amongst the Scots were the Chancellor, the President, and two Lords of the Session, and the Lord Justice Clerk. "The Scots had got among them the notion of a federal Union, like that of the United Provinces, or Cantons of Switzerland," (or permit me to add, of Great Britain and Ireland;) but the scheme was abandoned, "*for this reason,*" besides many others, "*that as long as the two nations had different Parliaments, they could break the Union,** *whenever they pleased; for each nation would follow their own Parliament;*" and thus the grand imperial object would have been defeated, which "*was to settle a lasting, and firm Union between the kingdoms: therefore they resolved to treat only about an incorporating Union; that should put an end to all distinctions,* AND UNITE ALL THEIR INTERESTS."

They accordingly entered on the scheme of an entire Union. The Commissioners of both kingdoms met; and having spent above three months in discussion, unanimously concluded the articles of the treaty of Union. When they attended the Queen, in order to present to her Majesty one of the sealed instruments containing these articles, the Scots

* If this reasoning be right, it might seem that the present Union, which is a sort of federative one, between Great Britain and Ireland, is exposed to the danger of being broken, as the two nations have different Parliaments.

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Commissioners spoke to the following effect: "An Union of the two kingdoms has been long wished for, *it being so necessary for establishing the lasting peace, happiness, and prosperity of both nations*; and though it has been frequently endeavoured by your Majesty's Royal predecessors, without the desired success, yet the glorious successes with which God has blessed your Majesty's endeavours for the happiness of your people, make us hope that this great work is reserved to be accomplished in your Majesty's reign."—The Queen in answer, said—"I shall always look upon it as a particular happiness, if this Union, *which will be so great a security and advantage to both kingdoms*, can be accomplished in my reign."

"The advantages that were offered to Scotland in the whole frame of this Union were so great and visible, that nothing, but the consideration of the safety that was to be procured by it, could have brought the English to agree to a project that in every branch of it was much more favourable to the Scots nation."—If similar causes produce similar effects, the Irish might look for very advantageous proposals of Union at the hands of England.

"The Scots were to bear less than the fortieth part of the public taxes. It is held a maxim, that in the framing of a government, a proportion ought to be observed between the share in the legislature and the burden to be borne. Yet, in return of the fortieth part of the burden, the Scots were offered near the eleventh part of the legislature."

On the 3d of October, 1706, the Scotch Parliament met, and the Queen's letter to them contained, amongst others, the following paragraphs: "The Union has been long desired by both nations, and we shall esteem it as the greatest glory of our reign to have it now perfected, being fully persuaded that it must prove the greatest happiness of our people. An entire and perfect Union will secure your religion, liberty, and property; remove the animosities among yourselves, and the jealousies and differences betwixt our two kingdoms. It must increase *your* strength, riches, and trade; and by this Union the whole island being joined in affection, *and free from all apprehension of different interests*, will be enabled to resist all its enemies, and maintain the liberties of Europe."* "Her Majesty's Ministers were not

* To make these paragraphs apply to the present time, and measure, we have but to substitute the word *empire*, in place of the word *island*.

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insensible of the difficulties which they had to encounter, in the affair of the Union; against which a powerful party had been formed, with the Duke of Hamilton, and some other noblemen at its head. The topics from which the arguments against the Union were drawn, were the antiquity and dignity of this kingdom, which they said was offered to be given up: they were departing from an independent state, and going to sink into a dependency on England; what conditions soever might be now speciously offered, they could not expect that they should be adhered to,* in a Parliament where sixteen peers, and forty-five commoners, could not hold the balance† against a hundred peers, and five hundred and thirteen commoners. Scotland would be no more considered as formerly by foreign states:‡ their peers would be precarious, and elective," &c.

Thus it must be admitted that the case of Scotland furnished, as plausibly at least, the same topics, with those which are resorted to by the Anti-unionists of the present day. The kingdom of Scotland could boast at least equal dignity, and antiquity, with our own. Its theoretic, and *I apprehend its practical* independence, was as great as that of Ireland; yet patriotic and generous as those objections were, history will not allow us to affirm, that they were urged by public spirit, and that Scotch Union was opposed as disinterestedly, and impartially, as we know that Irish Union is at the present day. "All those who adhered to

* As, however, they have been adhered to.—But the malt tax!! It is too ridiculous to hear this alleged as a violation of the treaty of Union. That treaty only stipulated that no duty should be laid on malt in Scotland *during the war*.—A plain negative pregnant, implying a consent that such duty should, if expedient, be imposed after the war should have an end.

What then was this alleged violation? See Burnet. The Scotch admitted that "peace was as good as made, and was every day expected;" but forsooth the duty was imposed before it had been proclaimed or signed."—Signal infringement! the *Opposition in England* agreed with the Scots members in so considering it.

† Hold what balance? of Scotch against English interest? The effect of Union was to efface such distinctions of interest, and to annihilate with them those arguments which turn on a measuring of Scotch against English representation.—The true admeasurement would be of Scotch representation, with Scotch contribution; and we have already seen that Scotland, by the treaty of Union, shared an eleventh of the Imperial Legislature, and but a fortieth of the imperial burden.

‡ Neither perhaps would Ireland, after Union, "*be considered as formerly by foreign states.*" Perhaps, for example, France might no longer consider this country as a fit theatre for her intrigues; and a field in which to fight her battles with the British empire.

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the Jacobite interest, vehemently opposed every step that was made, *because they saw that Union struck at the root of all their designs for a new revolution.*" Yet I will venture to conjecture, that those Jacobites no more avowed such their real motives, and revolutionary designs, than the Jacobines of the present time declare theirs: I dare to say, that those Jacobites preferred resorting to the topics which we have been enumerating; and talked loudly, and popularly, of the independence of Scotland, and the incompetence of her Parliament to surrender the constitution, and liberties of their country.

Some of the Anti-unionists "insisted vehemently on the danger that the constitution of their" (Presbyterian) "church must be in, when all should be under the power of a British Parliament." Pious souls!—Alas! there was no piety in the case. "This objection was pressed by some who were known to be the most violent enemies to Presbytery, of any in the nation; but it was done with design to inflame that body of men, and so to engage them to persist in opposition."

"These jealousies of the Presbyterians, lest their church should be swallowed up by the Church of England, were infused into them chiefly by the old Duchess of Hamilton, who had great credit with them; and it was suggested, that she and her son had particular views, as hoping that, if Scotland should continue a separated kingdom, the crown might come into their family; they being the next in blood, after King James's posterity."

Yet I presume, that neither she, nor the Duke, any more than some persons of the present day, had the imprudence to say publicly, "we oppose a Union from selfish and ambitious motives:" on the contrary, I think it likely, that they were as loud as any, in their denunciations of those unworthy slaves, who would surrender the constitution, and independence of their country.*

"The party who opposed Union, finding the majority against them, studied to raise a storm without doors, to terrify them. A set of addresses against the Union were sent round all the counties, in which those who opposed it

* "A multitude, at the same time that they insulted well-wishers to the Union, attended the" (patriotic and disinterested) "Duke of Hamilton, with loud acclamations, as he passed the streets, to and from the Parliament."

"The Duke of Athol," (another anti-Union leader,) "was believed to be in a foreign correspondence:" (with France.)

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had any interest. There came up many of these, in the name of counties, and boroughs, and at last from parishes. This made some noise abroad, but was very little considered there, when it was known by whose arts and practices they were procured. When this appeared to have little effect, pains were taken to animate the rabble* to violent attempts, both at Edinburgh" *(the metropolis)* "and Glasgow."

I leave the reader to conjecture whether it be with pain, and confusion, that I turn from the contemplation of those distinguished patriots, to those base betrayers of their country; who (like me) were friends to Union.

"A great part of the gentry of Scotland, who had been often in England, and had observed the protection which all men had from a House of Commons, and the security which it procured against partial judges, and a violent ministry, entered into the Union with great zeal. The opening a free trade with England, &c. and the protection of the fleet of England,† attracted those who understood these matters; and saw there was no other way in view, to make the nation rich and considerable."

"But that which advanced the Union most effectually, and *without which it could not have succeeded*, was, that a considerable number of noblemen, and gentlemen, *who were in no engagements with the Court*, (on the contrary, had been disobliged, and turned out of great posts, and some very lately,) *declared for it*. Their number was between twenty and thirty. These kept themselves very close, and united, *and seemed to have no other interest, but that of their country*. The chiefs of these were the Marquis of Tweedale, the Earls of Rothes, Roxburg, Haddington, and Marchmont. *They were in great credit; because they had no visible bias on their minds*, and were called THE SQUADRONE. Ill-usage had provoked them rather to oppose the ministry than to concur.‡ When spoke to, they answered coldly, and with reserve; so that it was expected they would have concurred in the opposition; and, they being between twenty and thirty in number, *if they had set themselves against the Union, the de-*

* An obsolete name; formerly given to that class of the community, which modern patriotism dignifies with the title of *people*; and whose express assent, we are told, is necessary towards legitimating an act of the Parliament of Ireland.

† Some *generous* Anti-unionist may suggest that Ireland has this *already*.

‡ I can very well conceive that they should, notwithstanding, zealously support a measure, which they held to be beneficial to their country.

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sign must have miscarried. But they continued silent, 'till the first division of the house obliged them to declare: and then *they not only joined in it, but promoted it effectually, and with zeal.*"

"There were great and long debates managed on the side of the Union, *for the ministry*, by the Earls of Seafield and Stair; *for the Squadrone*," (whom the historian does not count amongst the ministerial ranks,) "by the Earls of Roxburgh, and Marchmont;" (silly fellows who had no assignable motive, but regard to their country,) "and against the measure, by the" (disinterested and loyal) "Dukes of Hamilton and Athol."

But, spite of the patriotic exertions of these two last noblemen, aided by all the talent and wisdom of the Edinburgh mob;—spite of the motley array of party coalition against the measure;—spite of all that was prated then, and is reprated now, about dignity, and independence, and liberties, and constitution, parliamentary competence, and preponderance of English members in the *common* legislature,

"Quis talia fando,"
"Temperet a lacrimis!"

A Union was carried, (or as Blackstone insidiously terms it, was "happily effected") by the mischievous efforts of the Squadrone; a *gratuitous* band of traitors, who had no views of self-interest, to excuse their conduct; nor any better ground for supporting the measure, than their seeing that it conduced to the well-being of their country; and was a sacrifice of the distinctness, to the prosperity of Scotland!—What worse could Irish Unionists have done, if the *manifestly disinterested* opposition of the Anti-union corps had not frustrated their abominable plans!

Scotland has thriven extremely since that period, I admit;—has gained in the commercial race, surprisingly on England: Time (undoubtedly from personal pique to the patriotism of Scotland,) has malignantly falsified the prophecies of Lord Belhaven, (uttered in an access of political second-sight,) and justified the tame proceedings of the Roxburghs and Marchmonts. But we must not hearken to "the great teacher," Time, upon the question: we must not doubt the patriotism of the Duke of Hamilton, the ignorance of Lord Somers,* or the weakness and profligacy

* Who evidently thought the Scottish Parliament competent to enact Union, contrary to the opinion of many bar debaters; many lawyers in our House of Commons, &c. &c.

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of the Squadrone; since this might betray us into an oblique disparagement of the profound wisdom, and constitutional knowledge, or disinterestedly public spirit, of some Anti-unionists of the present day.

But let me not deviate, even into irony, from the seriousness which suits the important subject which I am treating. Let me conclude this appeal, which I make, not to the authority, but to the good sense of my countrymen; an appeal to the people, not from the opinion of their Parliament, which is conclusive; but from the dogmatic clamour of an interested multitude, which, whilst it bellows against Union,—miscalls itself the public:—an application to the virtuous, and orderly inhabitants of Ireland, to discountenance the insidious practices of those, who are themselves creating the national ferment, which they affect to attribute to the discussion of a measure which they therefore deprecate; and are whetting popular resentment, as a weapon, which they may use, in defending their private interests against the public weal. We are not destitute, at the present day, of spirits such as those, which, in 1707, animated the rabble of Edinburgh against their legislature; non desunt irarum indulgentes ministri, qui avidos, *atque intemperantes plebeiorum animos*, ad sanguinem et cædes *irritent*.*

Let all good men combine to defeat such mischievous designs; and let particular ambition sink before the general prosperity of Ireland.

Let the honest and independent country gentlemen come forward. They form a party, which has not held the place it ought to do, in this kingdom. They are disinterested; or have no interests which are distinct from those of Ireland. On them, on their virtue, good sense, and dispassionate inquiry, I look upon the happiness of my country to depend. Do I call upon them to vote for Union? No: I call on them to hear the question, before they shall decide. I call on them to stop short, before they reach the brink of a precipice, to which they may at once be hurried by their own proud and generous feelings, and be pushed by the insidious projects of the factious, and the selfish.

Let them not give ear to those misrepresentations, which state the question to be, whether or not we should surrender our liberties and constitution? Good God! would I vilely deliberate on such a question? I will venture to

* Livy.

appeal to my past conduct in Parliament, for an answer. I am myself, perhaps, too obscure, for this conduct to have been conspicuous; but allowing for human, (or my own peculiar errors,) I venture to pronounce it such, as will not shrink from investigation; or be found to bear the traces either of servility or faction.

The question is *not*, whether we shall surrender the liberties of this country. What minister would dare propose such a question, to parliament, or to the nation? The question is, whether Union might not so modify our constitution, as to promote prosperity and peace, whilst it left our liberties not only unimpaired, but even secured.

The question is, whether Union will not fortify, not merely England, but that empire of which Ireland also makes a part; whose safety is menaced, and whose destruction she cannot survive?

Whether it will not silence internal jealousy, and dissension; establish our religion firmly; conciliate our Catholic brethren; and consolidate our people?

Whether it will not at once, bestow upon us commercial advantages, and enable us to use them? Whether it will not establish amongst us that respectable and industrious order of men, which is the pride of the sister country, and the want of this?

Whether at the same time that it gives us an efficient weight in the imperial councils, it will not still more secure our welfare, by entangling our interests, so obviously and inextricably with those of Britain, that all grudging policy, all narrow jealousy of Irish advancement, if it ever existed, must have an end?

Whether by disarming separatists of those instruments which they now possess, towards severing the kingdoms, it will not render it self-injury for Britain to retard Irish aggrandizement; and make it folly for her to view the advancement of this country with apprehension?

Whether the alternative of Union, or separation, is not offered to us, as explicitly as we need wish it to be? and whether we ought to hesitate in making choice of the former?

Whether separation from England be not subjection to France? If so, I call upon all good men to turn a reluctant eye on the horrors, which have disfigured that at once formidable and wretched country, and to shudder at the prospect which my suggestion has disclosed.

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Whether all those objections to Union, which we hear so loudly urged, are not such, as the terms might easily obviate, and which are now therefore premature?

Whether, if legislative incorporation tend to fortify the empire, Britain is not likely to purchase this imperial strength, by the most ample and liberal concession, in point of terms?

Whether two legislatures in one empire, do not tend to disunite? and whether our experience has not alarmingly reduced this theory to practice?

Whether the testimony of *all*, who oppose a Union, is so disinterested as to deserve implicit credit?

Whether the example of Scotland has not proved, that Faction, not Patriotism, may vehemently oppose a Union? that integrity and public spirit may vote for whatever sacrifice the measure involves? And finally, that time may sanction such a step, by shewing legislative incorporation to be the base of national prosperity?

Whether our situation is, or has been such, as that some radical and *tranquil* change does not seem desirable?

Whether that *distinct* independence which may mar imperial energy, is likely to be very *real?* or consequently to be so *precious*, as that it should not be resigned?

This, I take to be some imperfect analysis of that question, which I earnestly recommend to the cool and honest consideration of the country gentlemen, and of every Irishman who loves his country better than himself: nor do I even fear to refer the inquiry to those, who recollect that national tranquillity is essentially conducive to private interest.

Let no man timidly suppress his opinion; because, by declaring it, he may expose himself to a mere temporary, and *artificial* obloquy.

Let him, as I do, encounter willingly an honourable unpopularity; and refuse to decide the question, which he has not yet discussed.

> Falsus honos juvat, et mendax infamia terret
> Quem—nisi mendosum, et mendacem?

For my part, I am deaf to clamour, and, I hope, obstinate to intimidation; but I am open to *reason;* and shall ever prefer retracting, to persisting in an error.

At present my opinion is, that a Legislative Union with

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Great Britain would serve this country; if obtained on those fair terms, which I think likely to be conceded. I look upon it to be a measure, which, in incorporating our distinctness, and thus far altering our constitution, will however,

——— "on change—duration found:"

on a change of the modes and forms of the imperial establishment, will found the permanence of our tranquillity, our connexion with Great Britain, our wealth, our liberties, and our constitution.

Union merely forms my means; which I am ready to vary, if any man will prove that they are ill chosen. My end, I solemnly declare, is the prosperity of my country.

WILLIAM SMITH.

DUBLIN, FEB. 1, 1799.

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REVIEW

OF A PUBLICATION,

ENTITLED,

THE SPEECH

OF THE

RIGHT HONOURABLE JOHN FOSTER,

SPEAKER OF THE HOUSE OF COMMONS OF IRELAND;

IN A LETTER,

ADDRESSED TO HIM

BY WILLIAM SMITH, ESQ.

Contendisse decorum est.—OVID.

FOURTH EDITION.

DUBLIN:
RICHARD MOORE TIMS, 85, GRAFTON STREET.

MDCCCXXXI.

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ADVERTISEMENT.

The following letter stands in need of indulgence; and is perhaps, in some degree entitled to it. It was begun on Tuesday last, (the publication which it purports to answer, having appeared only the day before) and has been written so expeditiously, that the whole of the work (or indeed one-fourth of it) has never been at once under the writer's eye,—nor had he even time for reading over his own manuscript; but was obliged to confine his corrections to those which he could make in revising proofs.

The consequence, perhaps, may be many faults of style, and some repetitions; owing to the writer's not having been able to ascertain, with sufficient exactness, what he had already treated,—from his sending the sheets to press nearly as fast as they were written.

He does not, however, expect that this hurry should excuse him for faults, of argument or statement into which he may have fallen. He should not have ventured to submit his thoughts so hastily to the public, but that he had already reflected sufficiently upon his subject, to make him hope that expedition could do little more than affect the style; a consideration which he conceived to be so subordinate, as that it might be well to sacrifice it to the desire of an early publication.

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But it may be asked, why the writer has chosen this mode of replying to a speech, which, as a Member of Parliament, he had the privilege of answering in his place? The fact is, that nothing could be more just and reasonable, than the claim of the distinguished personage, to whom this letter is addressed, to be heard upon the great question of a Legislative Union, upon the first opportunity that presented itself for delivering his sentiments; but for the writer of this letter who had already, on a former occasion, obtained a long and patient hearing, to have again addressed the house on the subject of Union, when that question was not before them, would have been highly unreasonable, and presumptuous.

It only remains to observe, that the following letter is not intended as an original argument: or full investigation of the question of Union. It is an answer to the speech published as the Speaker's. In an ADDRESS TO THE PEOPLE OF IRELAND, the writer has gone into a more direct discussion of the question itself; and thought it would be wrong here to repeat arguments, which he had already offered to the public.

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A LETTER,

&c. &c.

SIR,

THE speech lately published as yours,* I had the good fortune of hearing you deliver; and in common, I apprehend, with the rest of your auditors, regarded it as a splendid and convincing proof, that your reputation for commercial knowledge is as merited, as it is high. Indeed, if the ability of a speech were to be estimated by the rich abundance of information which it contained, the excellence of yours would not admit of controversy: neither can I altogether withhold from it the praise to which a judicious selection of topics is entitled; and still less am I disposed to contest its claim to approbation, on the ground of acuteness, perspicuity, and logical precision; qualities, in which if it be in any degree deficient, the defect is not attributable to you; but to the weakness of the opinion which it was your task to support.

But if, towards estimating the value of an argument, we must advert to the conclusion which it is intended to inculcate, and can pronounce it able, only in proportion as it is convincing, I shall be obliged to withhold the praise of ability from yours; for though I listened to it with unintermitted, and unprejudiced attention, and with a mind sufficiently full of the subject which it treated, to render me the more capable of weighing the reasons which it contained, yet I protest it totally failed of carrying conviction to my mind.

* By Moore, in College Green.

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To this failure, Sir, you are to impute the trouble of my present letter; in which, without deviating from that respect which is due to you, I shall endeavour to answer the arguments which you have urged. I am apprized of the vast interval which there is between us, in point of talents and information; but, great as it may be, I conceive it, on the present question, to be filled up by the superior force, and number of those arguments, which offer themselves in favour of the opinion that I have embraced; and I feel a confidence, not so much in myself, as in my position.

I shall, in the following pages, aim at no stricter order, than that which will arise from my attending you regularly through your topics; and, agreeably to this loose arrangement, shall begin by noticing your first.

You set out by asserting that the adjustment of 1782 was a final one; a position which I conceive to be as true, as it is irrelevant; and which therefore I am not disposed to controvert, but only to explain.

Indeed, it is strangely usual to omit adjusting the meaning of propositions, before we give them our assent. I believe it is Locke who has laid it down, that an accurate definition may preclude a world of argument; and, conformably to his opinion, I am inclined to expect, that, after having examined the meaning of the position which I have just noticed, we shall deem an attempt to draw from it any thing illustrative of the question of Union, about as hopeful as the Lagado scheme of extracting sunbeams from cucumbers.

The measures of 1782 must have had reference to that, out of which they arose; and the adjustment been of something, which had been in controversy: for I cannot conceive a settlement, without some subject matter for it to operate upon; nor extend its operation beyond the limits of those doubts, or controversies, to which it was meant to put an end.

Now, what was the subject matter of the settlement of 1782? The claim of the British Parliament, to enact laws that should bind Ireland; and the denial, on the part of Ireland, of the justice of this claim.

The right of legislating for Ireland had not only been, for centuries, practically asserted by the Parliament of England, but had been expressly recognised, and insisted on by legal and constitutional writers; and been by them referred to the principle of Irish dependence, and subordi-

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nation; a principle, still more mortifying to the spirit of this country, than even the deduction, of a right to legislative control, which it supported.

The pride of Irishmen was naturally offended, at finding it laid down by a commentator on the laws of England,* that where this country was particularly named, or included within general words, there could be no doubt but she was bound by all acts of the British Legislature; nor was the jealousy, which this doctrine was calculated to inspire, appeased by the information, which the same writer gave them, that "it followed from the very nature and constitution of a dependant state:" still less, were they likely to be soothed, by a review of the servile and invidious provisions, by which the statutes of Sir Edward Poynings had degraded our Parliament, in order to rivet our dependence; —or of the want of that security to the liberties of the subject, which the inhabitants of England derived from the frame, and limited duration of their Mutiny Bill.

The assertion of such claims on the part of Britain, and denial of their justice by the Parliament of this country,— the degrading system by which, on the one hand, these claims were supported, and the impatience with which both claims and system were brooked upon the other,— inevitably produced a controversy the most momentous in its aspect, and to which the settlement of 1782 very fortunately put an end. I accede to your enumeration of those grievances,† of which, at that period, the removal was desired: you truly state them to have consisted of Great Britain's claims to bind this country; the appellant jurisdiction: the provisions of Poynings' law; and the frame and perpetuity of the Mutiny Bill. The first of these grievances, (viz. the claim of Britain) was the grand point in issue, and to which the others were either appurtenant or allied; and as for the third and fourth, they formed no subject of controversy between the two nations; but furnished mere matter for internal regulation. In 1782 these grievances were removed; and I cannot but exult at our having then been freed from a system of control, too degrading and oppressive to this country, to be justified by that consolidation of the empire, at which it aimed; and which, if not yet so firmly secured as every true friend to British connexion must desire, is yet attainable, by mea-

* Blackstone. † Page 9.

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sures which the Irish Parliament is competent to adopt, and which I too much respect the arrangement of 1782, to charge it with having placed beyond their reach.

I agree with you, Sir, that the adjustment of 1782 and 1783, was final; and that the acts of the 22d and 23d of the King, by repealing the 6th of George I., and declaring that the people of Ireland should be bound only by laws enacted by the Parliament of this kingdom,—formed a compact between the countries, which, without a gross breach of faith, Great Britain cannot violate; and of which Irishmen ought not to yield the benefit, but with their lives.

Therefore, if you shew me any breach of this solemn and final settlement,—any attempt on the part of England to legislate for this country, or invade the supremacy of our courts of justice, or our Parliament,—I shall join with you in protesting against the injustice of such conduct; but until this be shewn, you must allow me to doubt the pertinence of those reiterations, that the adjustment of 1782 was final, which principally occupy more than forty pages of your speech:—you are continually pointing to your premisses, when I am looking for your conclusion; and wasting your time in laying foundations, which will support no fabric material to the present question.

Can you, Mr. Speaker, a man of undoubted and distinguished talents, mean seriously to contend, that the British Parliament in 1782, by disclaiming the right of binding this country by its statutes, precluded the Irish Parliament from deliberating on the expediency of a Legislative Union, and adopting or rejecting it, according to the result of such deliberation?—I am averse from imputing to you an argument, which strikes my understanding to be so unsuitably feeble;—yet find it difficult (excuse my freedom) to acquit you of having been rather profuse of irrelevant assertion, unless by attributing to you the design of perverting those assertions, and founding arguments upon them, which a judgment, incomparably beneath yours, should perceive they never can sustain. I am driven to suspect, that in asserting the adjustment of 1782 to have been final, you insinuate it to have been preclusive; and that in settling the controversies from whence it flowed, (and which alone it could affect) it incapacitated one of two independent countries, from submitting a system to the consideration of another: and disqualified this latter from investigating the

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merits of the plan thus offered, and adopting it, if it seemed calculated for the benefit of both.

To me it appears too clear for argument, that the adjustment which finally disclaimed the right of Great Britain to legislate for Ireland, and thus put an end to all controversies which had been generated by such a claim, did not affect the right of the Irish Legislature, in its wisdom, thereafter, to adopt such arrangements as circumstances might require, and as should seem conducive to the welfare of this kingdom, and the empire.

To me it appears like something worse than extraordinary doctrine, that the adjustment which recognised the legislative supremacy of the Irish Parliament, at the same time precluded it from exercising its supreme authority, by the adoption of a measure, which it deemed pregnant with advantages to that country, over whose interests it presided.

When the British Parliament renounced its claim of dictating to this country, did it part with the harmless right of recommending a measure to our consideration? Did his Majesty, in assenting to any of the measures of 1782, deprive himself of the innoxious privilege of suggesting to a future Irish Parliament, which he should assemble to consult *de arduis Regni*, the consideration of a measure which, to his royal wisdom, seemed calculated to meet the arduous situation of the empire?—Did the Irish Parliament, by the share which it took in the transactions of 1782, despoil itself of its deliberative capacities, and preclude itself from considering, adopting, or rejecting, the measure thus suggested from the throne? If so, the British Parliament, at that period, did more than wave its pretensions to superiority over this country: it surrendered a portion of its inherent powers: it cramped and circumscribed its own internal authority; and imposed restraints upon itself, which render it, with respect to Ireland, less free than it is in its intercourse with any other nation in Europe, or the world.

The King too, according to this interpretation of the settlement of 1782, must be construed to have parted (rather inconsistently with the duties of his high station) with an essential attribute and prerogative of that royal dignity, which is, as it were, the centre round which revolve the liberties of our constitution; and the Irish Parliament must be assumed to have abdicated its situation, and renounced its right of consulting and advancing the interests of the

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nation.—I hesitate to admit a construction, from which such consequences flow.

The settlement of 1782 did what? It adjusted the controversies which had arisen from the claims of Britain to a right of legislating for this country: a right, which I have your authority (p. 5) for saying, this country had not acknowledged, but had denied. The arrangement of 1782 then, was merely the abolition of an abuse; and a restitution of the genuine principles of our establishment. Suppose this abuse had never arisen; that Irish independence had never been invaded; nor the exclusive legislative competence of our Parliament disputed, either in theory or practice; and let me ask of any reasonable man, whether it would be an infringement of this independence, for Britain to propose (subjecting the offer to our rejection) a Legislative Union of these two independent kingdoms?—If not, can such a proposal be said to violate a compact, which has done no more (you tell us) than to secure and reinstate us in that independence, of which the same proposal would have been no infringement?

Has the compact of 1782 rendered Ireland more independent of Great Britain, than this latter country has at all times been of Ireland? and would it be any invasion of British independence, if we should propose a Union to the Parliament of Great Britain? No reasonable man can say it would; because to submit to the legislature of a country, an offer which that legislature may, at its discretion, accept of or reject, can never be construed into the slightest encroachment on the independence of those to whom it is made. Nay, such an offer is not only compatible with their independence, but even with subordination on the part of those from whom it comes; and accordingly, in the reign of Anne, before the æra of Irish independence, we find the proposal of Union coming from the Irish Lords.

Now, can it be said that a proposal, coming from the British to the Irish Parliament, is a violation of the independence of this country, or of the compact by which that independence has been recognised,—when the same proposal, moving from Ireland to Great Britain, could never, by any casuistry, be tortured into the slightest encroachment on the, at least, equally undisputed independence of that country?

France or Spain are surely as independent of Great Bri-

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tain, as this island can pretend to be; yet I will be bold to say, that in proposing a Legislative Union with either of those states, though England might be guilty of gross extravagance and absurdity, she could not be taxed with impeaching their independence: Why then should she be accused of infringing ours, or of violating that compact by which it has been secured, on the ground of having offered that, which she might offer to any state in Europe, without incurring the charge of having encroached upon its privileges?

But I am, for argument, supposing a case which does not exist: the English Parliament has made us no proposal.—The alleged violation of the compact of 1782, has consisted in nothing more than this,—that the King of Ireland has presumed to recommend it to his Irish Parliament to consider, and adopt, the best mode of consolidating into a lasting fabric, the component parts of the British empire! In like manner, the King of England has ventured to recommend to his British Parliament, to enter upon a similar deliberation; and I have not heard that that high-spirited nation has interpreted this conduct of its Monarch into an infringement of that independence, which it possesses as undoubtedly and securely, as Ireland can hers, by virtue of the compact of 1782.

The proposal of a Union has been introduced in the most legitimate, and unobjectionable shape possible: it has been offered to the consideration of the British and Irish Legislature, by the common Monarch of both kingdoms.

In the year 1780 we acquired a free trade: and in 1782 we acquired a free constitution. Our acquisition in 1780 was not held to preclude a *commercial* regulation in 1785;* and why should our acquisitions of 1782 be held to prevent a *constitutional* regulation in 1799? It was indeed indispensable that the arrangements of 1785 should be compatible with the freedom of trade which had been conceded five years before; and in like manner it is indispensably requisite, (towards their validity,) that any constitutional arrangements, hereafter made, should be consistent with the rights which this country acquired in 1782; and should not violate the independence which we then asserted.

If the British Parliament had attempted, by a statute

* For no opposition to the arrangement was on this ground ever made or thought of.

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passed in England, to bind this country to a Union, this indeed would have been to violate the compact of 1782: but what, on the contrary, has been done?—the recommendation from the throne involved a manifest admission of exclusive competence in the Parliament of this country to decide upon the question; and the British Minister, in that speech to which you so frequently advert, has expressly acknowledged the right of the Irish Parliament to reject the measure of a Legislative Union. Thus the proposal, so far from violating the agreement of 1782, has afforded a signal instance of adherence to that compact, and solemn recognition of the independence which it secured.

Let me now anticipate, in some degree, upon a topic which belongs to another part of my argument, by supposing, that instead of having been merely proposed, the measure of a Union had been adopted; and by inquiring, Whether such adoption would be a violation of the compact of 1782?

A moment's reflection will convince my reader—that much of the reasoning, which, for another purpose, I have had recourse to, will prove that this measure would involve no such violation.

For instance: Is England less dependent upon Ireland, than this latter country is on her? clearly not. Yet a Legislative Union would not encroach on the independence of Great Britain: then neither can it, include a breach of that compact of 1782, which its most zealous advocate cannot pretend to have done more, than render Ireland as independent of Britain, as Britain is of her.

But Union will diminish the number of Irish representatives. Suppose I should consent to desert the abstract question, and enter upon that which, regarding the terms, is not before me, still I may with truth reply to this objection,—that a representation proportioned to Irish territory, population, resources, and contribution, in a Union thoroughly identifying the interests of the two countries, will be sufficient to secure to Ireland, as complete a participation in the privileges of the British Constitution, (and what more could her warmest friend desire?) as is enjoyed by the inhabitants of any English county; whose numbers would yet (if any one were silly enough to compare them) be found to bear no proportion to the sum of British representation.

Again: Ireland is not, by virtue of the compact of 1782,

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less dependant on Great Britain, than Scotland was on England before 1706. If a Union then would infringe that independence which our compact has procured, it follows, that the Scottish Union involved a violation of the independence of Scotland. But no loyal subject, or friend to order—will flippantly impeach the justice or validity of a treaty, on which perhaps depend the legitimacy of the United Parliament,—the authority of its statutes, and even the title of his Majesty to his Scottish crown.*

By the Union, the number of Scotch representatives was abridged; and I shall no otherwise answer the epithets which you lavish on an analogous system, when you describe Irish Union as "a destructive and accursed measure," "a surrender and annihilation of our constitution,"—than by suggesting to you the subversive consequences, which lurk behind a doctrine,—that may taint the acts of the British Legislature for near a century; absolve Scotland from its allegiance, and impeach the title of the reigning family to the throne of that realm; or which at best will leave this great imperial arrangement; to depend for its stability on the frail basis of acquiescence, and of an insufficient and short-lived prescription, which we can trace to have commenced in an unjust encroachment on the rights and privileges of an independent nation.

The measure of Union can no otherwise violate that compact, on which you so much rely, than by trenching on the independence which it guaranteed; and if such would be its operation in the case of Ireland, such must it have been in the case of equally independent Scotland. As invectives are not arguments, (else a speech would be logical, in proportion as it was abusive,) I am sure you have too much sense and candour, to expect that I should give a farther answer to those epithets, which you have lavished on the measure of a Legislative Union. You do not need to be informed, that if Union were indeed the annihilation of our constitution, the many virtuous and enlightened men who are friendly to it, would become zealous converts to your opinion: but those persons hold Union to include no such surrender; and if their judgment be erroneous, yet they are to be refuted by argument, and not frightened out of their sentiments by mere vehement assertion. Let me close this part of my argument, by selecting a few

* Secured to the House of Hanover by an article of the Union.

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passages from the numerous extracts, which you have incorporated into your speech; and by subjoining a remark on the conclusiveness of such documents.

The first passage which I shall transcribe, is extracted by you (p. 7,) from an address to his Majesty, voted by the House of Commons, on the 16th of April, 1782, and is as follows; "The crown of Ireland is inseparably annexed to the crown of Great Britain; on which connexion the interest and happiness of both nations depend; *but the kingdom of Ireland is a distinct kingdom, with a Parliament of her own, the sole legislature thereof.*"

Upon this latter sentence, you seem to me to place some reliance; but as it strikes me, without the least foundation. It is manifest, to any person who reads the passage, and has even a general notion of the transactions of that period, that those who penned the address had no intention of insisting on the distinctness of this kingdom, or contrasting it with the situation which Union would produce; but merely meant to urge this distinctness, as an argument against the abuse, of which they complained; and to insinuate the injustice of their being bound by the acts of a Parliament, *in which they were not represented:* and that this is the true interpretation of the passage is so clear, from even what I have already quoted. that it is almost superfluous to support it by transcribing the next sentence, which, however, is as follows; "there is no body of men competent to make laws, to bind this nation, except the King, Lords, and Commons of Ireland; nor any other Parliament, which hath any authority in this country, save only the Parliament of Ireland."

The next passages which I shall transcribe, are extracted from an address of the House of Commons to the Duke of Portland, and from the speech with which his Grace concluded the session; and occur in pages 14 and 15 of your speech.

"We" (say the House of Commons,) "shall have seen this great national arrangement established on a basis which secures the tranquillity of Ireland, and unites the affections as well as interests of both kingdoms."

"Convince the people" (says the Lord Lieutenant) "in your several districts, that the two kingdoms are now one; indissolubly connected in unity of constitution, and unity of interests."

Upon these passages I would remark, that the language

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which they hold was encouraging and useful; calculated to promote harmony between the two countries, and produce that lasting cordiality which it proclaimed. But with all due respect for the speech of a Viceroy, (which yet the constitution recognizes as the speech of the minister,) and all proper deference for the address of a House of Commons, I would observe, that both the Viceroy and the Commons, when they travel out of facts, and expatiate in conjectures, risk falling into those errors from which no human creature is exempt. There is but one potentate, that I know of, who claims to be infallible, and his claim, the tenets of my religion do not oblige me to admit. But, if I be not bound to acquiesce implicitly in all the obiter opinions, which are promulgated by a Viceroy, or a House of Commons,—still less am I obliged to swallow their predictions. When they turn prophets, I feel myself warranted to doubt their inspiration; though, in the present instance, I choose to shift from myself, on the societies of United Irishmen, and hordes of Irish traitors, the disrespectful task of comparing certain events and doctrines which we have lately witnessed, with those predictions which foretold the permanent tranquillity of Ireland, the mutual affection of the sister countries, and their indissoluble connexion,—as the inevitable consequences of the arrangement of 1782.

The next (and last) reference, which I shall rather digress from the train of my argument to notice, is that which you make to the modification of Poynings' law, and which will be found in page 24 of your speech. That statute, you say, "enacts that no bill shall pass into a law in Ireland, unless it be returned under the great seal of Great Britain."

This provision you state, with a triumph which I cannot understand. To me it seems to involve a signal acknowledgment of the frailty of that bond by which these countries are connected; and to apply a weak and inadequate remedy to the evil which it admits. What is the cure which it administers? Forsooth the responsibility of an individual to the Parliament of Great Britain. This wonderful nostrum is to remove all the separating tendencies, and acrimonies, and eruptions, which may arise from the nature of our present connexion, and announce the cachexy of our Imperial Constitution. No: I advert to the defect which this provision announces, and place little reliance on

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the cure which it provides. I consider the law as an argument for a Legislative Union, inasmuch as I do not estimate the vigour of a man, by the number of his crutches, or the stability of a house by the number of its props.

Having now finished my examination of those documents to which you refer, I return from that short digression which, in noticing the last of them, I have made; and close the answer which I have endeavoured to give to this part of your argument, by admitting, in the very language which you have chosen to adopt, "that the adjustment of 1782 was final: that by it the Constitution of Ireland was fully and perfectly established; and that no constitutional question can exist, to interrupt the harmony of the two countries."*

But, as the adoption of Union by an Irish Parliament, independent, and uncontrolled, would not unsettle that final adjustment, which did no more than assert the independence of that Parliament,—as the mode in which the measure of Union has been introduced, so far from assailing that "full and perfect establishment" of our independence, which was secured to us in 1782, has, on the contrary, at the risk of losing this great measure, most solemnly and explicitly recognized that independence,—as Union is no "constitutional question," but an imperial arrangement *submitted* to the wisdom of our Parliament, and which that Parliament is competent to reject,—and above all, as I acquiesce in the proposition contained in his Majesty's answer to an address in 1782, that "the constitutional connexion between Great Britain and Ireland, is essential to the interests and happiness of both nations,"†—I am, for these reasons, unable to discover how that position on which you so rely,—that the adjustment of 1782 was final, —is at all material to the present question; and I am ready to adopt a measure, which, without repealing that recognition of the independence of Ireland, seems calculated to give stability to its connexion with Great Britain.

In denying the settlement of 1782 to have been final, it seems that Mr. Pitt meant to assert no more than I do. He could not mean to deny, that that arrangement put a final period to all British claims of legislating for this country, and all doubts respecting Irish independence. That he did not intend to dispute this, he has very unequi-

* Pages 31, 32. † Ibid 13.

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vocally proved, by an explicit admission of the independence of our Parliament, and its competence to reject the measure which was submitted to its consideration. He seems merely to have deprecated a perversion of this truth, to the purposes of falsehood; and, while he admitted that the compact of 1782 was a final settlement of all controversies, to have denied *that it was a final abolition of the inherent powers of Parliament:* that it extinguished or abridged the deliberative or (internally) legislative capacities of either legislature; or debarred the Irish Parliament from the unalienable right of employing the supreme authority of the state, towards attaining the permanent welfare of the empire. This, I apprehend, was all that he denied; and heartily do I concur in the denial: deliberately do I record my dissent from those who pronounce, that in accomplishing a Union, the British or Irish Parliament would violate the final settlement of 1782.

I might not state accurately, (as I have not the printed copy before me,) and therefore I do not attempt to state at all, the speech of the British minister: I merely suggest, that he appears to have made no assertion, *substantially* different from mine, upon this question. The immense superiority of his talents and political knowledge over mine, may have prevented him from treating the subject as I have done. He, for instance, may have dwelt on the presumption which arises, from what passed in the British Parliament on the 17th of May, 1782, that some further measures of constitution were then in the contemplation of the British Legislature.*

"The fact" (you tell us,) "*seems* to be, that the resolution in respect to future measures had commerce, only, in view."†

In the above passage, you appear to admit some further arrangements to have been in contemplation; which, whether they were commercial, you can but conjecture, and we may be allowed to doubt. But suppose they were. Still the fact supplies this inference, that the compact of 1782 did not preclude the Parliaments of these countries from keeping up a friendly and federative intercourse, and entering into such new compacts as circumstances might require. And why not into political, as well as commercial compacts? The agreement of 1782 had decided a

* Page 19. † Ibid. 21.

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point in issue: it had put an end to controversy, not to intercourse, between the countries; and they still, compatibly with the spirit of that contract, were at liberty to enter on any new treaty, political or commercial; provided, in concluding or abandoning it, the Irish Parliament was allowed to exercise as uncontrolled a discretion as the British; and, in short, provided the basis of the transaction was an acknowledgment of that independence which we established in 1782. But the address of the Irish Commons to his Majesty, at that period, having (with truth) denied that "any other Parliament hath authority in this country, save only the Parliament of Ireland,"* therefore a Legislative Union would disturb the settlement of 1782! I deny the conclusion. It is only one of the numerous forms, in which the unproved and untenable assertion appears, that, after Union, the supreme authority would not continue vested in the Parliament of Ireland; and can have no influence on any minds, but those which confound distinctness with independence, and Union with subordination. After Union, the power of legislating for this country would still remain vested in the Parliament of Ireland, if, at this day, the Parliament of England be that of Yorkshire, or the Parliament of Ireland be that of Dublin; and, if the contrast between the number of Irish and British Representatives in the United Parliament, were less silly and delusive than I contend it is, still, of the inferiority on the part of Ireland I might say, as on another occasion you have done, that "if it created a *theoretic* difference in the constitution of the two kingdoms, which renders ours inferior, it is one, not injurious to us, but necessary from our situation in the empire, and which secures Union and connexion on a firm and lasting basis."† With far more justice this language may be appropriated to the measure which I am supporting, than to the more invidious, yet less effectual one to which you apply it.

Union would proportion Irish Legislative weight to the importance of this country, in point of territory, &c. and thus that inferiority, (which, when our interests were identified, must besides be uninjurious,) would be one arising from our physical situation, and derived rather from the

* This answer will also apply to p. 8,—where the same reasoning is insinuated in the following passage: "While Ireland retains a Parliament, she has the means of redress."

† Page 24.

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law of nature than of convention; but the modification of Poynings' Law, which you extol,* for having put one of the co-ordinate estates of the *Independent* Irish Parliament in absolute *dependence* on the British Legislature,—this statute, I say, without which you admit that the boasted arrangement of 1782 would have been imperfect,† lamely and incompletely achieves its purpose of strengthening the connexion, by delivering Irish independence into the guardianship of a British Minister, and thus proportioning our inferiority, not to our relative natural situation, but to the possible caprice, or ignorance, or wickedness, or usurping policy of an individual, or a Cabinet.—I will admit, what it might be disrespectful to assert, that the arrangement of 1782 was imperfect, (and if so, its deficiencies were ill supplied by the statute which I have just noticed;) but it, in my opinion, laid a glorious foundation for that measure, which I still conceive to be necessary, towards permanently consolidating the strength and interests of the empire: it raised us from that subservient situation, in which England might have dictated to us the terms of Union; and by restoring or asserting the independence of this country, it enabled us to treat on equal terms, and to dictate, in our turn, the only Union we would accept. I will not disparage that settlement which fixed the constitution of this kingdom, by, on the one hand, forgetting that it has raised us to a situation, from which we can treat securely and advantageously with the sister country; or, on the other hand, by insisting that it has paralysed our Parliament, and precluded them from directing those powers which a supreme legislature must possess, towards accomplishing what they deem conducive to the prosperity of the Irish people.

But "if the work of 1782 was incomplete, why were not the measures followed up to their completion?"‡ Why was not a Union then accomplished? Many causes may have prevented it. Perhaps this was not precisely the further measure, which was in the contemplation of the ministry of that day: perhaps the prejudices, or if you please, the temper of the Irish people, were not then such as to promise a cordial reception of the measure. To have offered Union, when we demanded independence—might have seemed a sort of jealous compromise; and brought a sus-

* Pages 24 and 25. † Ibid 24. ‡ Ibid 28.

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picion upon the project, as if it were something less valuable, than what our Parliament had asked. In the excited state of the Irish mind, at that day, it might have been impolitic to have afforded them even a less pretext for jealousy and discontent: nay, the coolest Irish patriotism—if a Union had been then proposed—might have plausibly, at least, objected to the incorporation of the countries, under the relative circumstances in which they stood: might have demanded a recognition of Irish independence, as a preliminary security, for our obtaining Union on beneficial and honourable terms; and meantime required a trial of the effects of this independence, as a reasonable experiment, and one gratifying to the feelings of a proud and generous people. If any evils have arisen from independence, yet before it had existence, they could not be felt, and might not be foreseen. The trial, however, has now been fully made. It is since 1782, that the commercial propositions have been refused, that the transaction of the Regency has taken place, and that bills, for Parliamentary Reform, have *fortunately* been rejected, which, if they had passed, (as they might have done) would have sapped the connexion, by destroying the similitude of the Imperial Parliaments, and giving Ireland a legislature, differently constituted from that of Britain. It is since 1782, that France has become a monster, devastating Europe, and manifesting such distinguished hostility to Britain, as calls upon us, to consolidate the defensive force of that empire, of which, you admit, we form "a constituent and inseparable part."* It is within the same interval, that under French auspices, separatism has flourished so formidably in this country, and ripened to a rebellion, of which, (spite of the "perpetual pledge of amity,"† by which we were pronounced to have been "indissolubly connected,"‡ in 1782,) the object was not to strengthen our connexion with Great Britain. It is since 1782, that religious discord has assumed a character of so much animosity, as to suggest, that whilst, on the one hand, it may, in our present situation, be dangerous to grant, it may, on the other hand, (if a divided people is an evil) be impolitic to withhold.

These several facts and circumstances, and the reflections which they supply, may have furnished many arguments for a Union, which did not offer themselves in 1782;

* Page 26. † Ibid 31. ‡ Ibid 33.

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and, by reducing theory to practice, may have considerably strengthened those reasons, which existed even then: in short, there are a thousand obvious causes, which may have prevented the accomplishment of a Union at that period, and which it would be nearly as little difficult, as it would be material to enumerate. And if, after all, the measure has been too long delayed, does it follow that it ought in prudence to be finally abandoned? and this, at a moment, when the events passing in the world demonstrate its expedience, emphatically and clearly; and even render it doubtful, whether Union ought not to be adopted, on terms less advantageous than it is in our power to ensure? In vain do you ask "what reliance we can place on the British minister's adherence to any compact, on which he might rest his projected Union, if he has already violated a compact solemnly made and ratified?"* Your question assumes that the agreement of 1782 has been infringed; a position, which I have denied, and, as I hope, disproved. But this renowned adjustment, (which you are mistaken in supposing that Union will disturb,) has showered "down upon us blessings, trade, and affluence,"† almost incalculable. After having begged to except from this list of blessings—the internal discord—the attempts at separation—the deep-laid conspiracies—the rebellion and invasion, which we have witnessed—and are still witnessing, and which have all occurred since 1782, I would express my doubt, whether these advances in commercial prosperity are fairly attributable to the adjustment in question. Without the aid of any adjustment, if we believe Rose and Chalmers, (nay, if we do not shut our eyes on an obtrusive truth) Great Britain has, in the same interval, made advances as enormously exceeding those, which she had made in former periods. We cannot impute these to any thing that passed in 1782. Why then should we trace the accelerated progress of Irish prosperity to the constitutional occurrences of that period? Events, from which might have been more naturally expected that domestic content and tranquillity, which they have utterly failed to produce! Why may we not rather attribute such rapid strides to affluence, to those causes, whatever they be, which have aggrandised Great Britain, and consider them as our portion of the common benefits of imperial greatness,

* Page 33. † Ibid 34.

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and as a motive for strengthening that connexion, from whence they have flowed? From our free trade,* they may indeed be in a great degree derivable: but that freedom will not be abridged by Union, and was not acquired in 1782.

I have already protested against being held to any more strict arrangement, than a mere regular pursuit of your reasoning will supply:—I am answering your argument; and cannot, if I wished it, be more systematic than you are; unless I deviate from that course which you have prescribed, and to which it is my business to adhere.—Therefore, having followed you in your investigation of the adjustment of 1782, having digressed *with you* from the transactions of that period, and *with you* recurred to them again, I now accompany you to the discussions of 1785.

The Duke of Rutland, at the opening of the session, recommends "to the earnest investigation" of Parliament, "those objects of trade and commerce, between Great Britain and Ireland," (you say "mark the expression,") "*which had not yet received their complete adjustment.*"†—The meaning of these expressions is sufficiently apparent: they were made use of on the subject of *commerce* merely; and involve no more than the assertion which you yourself make, that from 1782 "no advance was made as to commerce in general, except what was done by Yelverton's Bill;"‡—the inadequacy of which you had shewn in page 30; and also shewed by your support of the commercial arrangement in 1785. And you must allow me to take *this occasion* of acquiescing in the truth of your position, in page 45, that "to select general expressions made use of on the subject of commerce, and apply them to the subject of constitution, shews no great candour in reasoning." This doctrine of yours also applies to the observation which you make on another part of the Duke of Rutland's speech, in which he states a "common interest in treaties with foreign states, as forming a bond of mutual connexion."‖ This passage you contrast with Lord Castlereagh's opinion, (in which I most heartily acquiesce) that the consideration of the federative relations of the British Empire, with foreign states, furnishes strong inducements to a Union. You forget, that the Duke spoke merely of commercial

* Granted by the British Parliament. † Page 16.
‡ Page 35. ‖ Ibid 37.

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treaties; and that (as you very properly remark) "to select expressions, made use of on one subject, and apply them to another, shews no great candour in reasoning."

With respect to your own conduct at this last mentioned period, far be it from me to make, what after all might be an unsuccessful attempt, in demonstrating your inconsistency, to detect spots in the political character of a man, so superior to myself. In shortly contrasting your past and present conduct, my object is only to tempt you to revise the latter; or, if I cannot accomplish this, then to lessen the weight of your authority against me, by balancing one opinion of yours against the other.

You admit yourself to have said, in 1785, "that things could not remain as they were: that commercial jealousy was roused, and would increase with two independent legislatures, if these did not mutually declare the principles whereby their powers should be separately employed, in directing the common concerns of trade; and that without this united interest of commerce, political Union would receive many shocks; and separation of interest must threaten separation of connexion."* In vain, Sir, would you dilute the strong effect of these assertions, and soften the contrasted colouring with which they relieve your present conduct. On what occasion, and for what purpose, did you make use of these positions?—to shew that the two legislatures should enter into a compact, (for this is what was proposed) respecting the mode of forming their commercial regulations. When you declared that things could not remain as they were, your meaning, exclusively and evidently, was, that such a compact was necessary to the security of the connexion. When you observed that the jealousy, which was roused, would increase with two independent legislatures,—you manifestly implied that this distinctness was pregnant with dangers to the connexion, which required the correction of some imperial compact, that, qualifying this independence should be binding upon both;—and in adding, that without that commercial Union, (which nothing but this compact could permanently secure,) the political Union would be exposed to shocks, which would threaten the connexion,—you, in my mind, promulged a doctrine, which was as true, as it is irreconcilable with your present opinions.

* Pages 45, 49.

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Any other interpretation than this, which I have given of the passages above cited, would render them impertinent to the propositions which you employed them to support. How then can you now assert that "things do not remain as they were,"* when you are aware, that no compact has been entered into? and that the Irish Parliament is not bound to conform to the British laws, which may be made respecting certain matters of trade and navigation? or, how can you desire that things should not be modified, when you admit they cannot remain as they are?† and that the security of the connexion is endangered by the want of that compact, which, in consequence of the distinctness of our legislatures, has been rejected? "The passing" (you say) "of the commercial propositions into a law, would have completely answered all the purposes of the present project,"‡ (of Union.) Without acquiescing in the rectitude of this doctrine, I may yet remark that they have not passed into a law; and therefore, that, even conformably to your own principles, a Union may be necessary.

But things, you tell us, have not remained as they were. "The evil, of commercial jealousies, acting upon the laws of two independent legislatures, has been remedied by the good sense, and mutual interest of each country, from time to time passing all laws necessary, to prevent the inconvenience of commercial jealousies."§ Sir, the danger is, that the exercise, by distinct legislatures, of their undoubted privileges, may produce imperial dissension; and that the good sense of the countries, in having as yet prevented the mischief from arising, has annihilated that risk, which springs, eternally and inevitably, from such a legislative organization, is a position, which it is more necessary, than it is easy, to demonstrate.

You seem too, in 1785, not to have foreseen the all-healing efficacy of this good sense, when you argued so strongly for the necessity of a commercial compact; nor does it afford an uninstructive lesson of human prejudice and inconsistency, to find a person of your distinguished sagacity and talents, in one place,‖ considering the great seal of Britain to be a better security than the good sense of Ireland, for a continuance of the connexion between the two countries; and, in another place,¶ preferring the junc-

* Page 45. † Ibid. 37. ‡ Page 51. § Ibid. 25.
‖ Ibid. 51. ¶ Ibid.

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tion, which this good sense, you say, has formed, to the guarantee which a solemn compact would bestow; though a casuist might doubt whether that roll of parchment, which you so despise, be a more frail assurance than the piece of wax, in which you place such implicit confidence. Some, I know, have pushed this contempt of parchment farther than you do; and even extended their sacrilegious irreverence to wax. On their arrogance, a parchment, adorned with the great seal of England on its right side, and of Ireland on its left, can make no impression of respect. They affirm, (but they are calumniators of our constitution) that Irish independence (which they admit to be remarkably well-sounding words) is no where to be found, but in certain rolls of parchment, called 22 Geo. III. c. 53, and 23 Geo. III. c. 28; and these, they are so far from respecting, that they quite mistake their operation; which they conceive to have been (I was about to say, *purely)* of a commercial nature; and to have erected an Irish aristocracy into a company, for exclusively carrying on the trade of jobbing, and of Parliament. This commerce they indeed contend to have flourished under their protection; but doubt whether the prosperity of the country has advanced in proportion: whether the commodity in which they traffic—I mean connexion—was not secured as well to England, and less expensively and gallingly to this country, before their aristocratic monopoly had accrued; and whether, in short, British ascendancy might not, with as much advantage to both kingdoms, have remained in the keeping of an English Parliament, as been transferred to Irish Commissioners, to administer. Nay, they insist, that by the ingenuity of British councils, this wax and parchment has been manufactured into a mask, beneath which, English superiority, wearing the features of Irish independence, has ranged without control, and been less susceptible of confinement, within the limits of that ascendant, which, (I speak this seriously) Britain ought to possess: which belongs to our situation, and is necessary to our connexion; since I hold it for a maxim, that this country must be united with, or separate from, or in a certain degree practically dependent upon Britain.

In truth, I conceive you, Sir, in 1785, to have very signally recorded your concurrence in my doctrine, as to the propriety of such control. I mean by the support which I apprehend you gave to propositions that were

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resisted by Messrs. Flood and Grattan, on the ground of their "interfering with the legislative authority of the Irish Parliament,"—violating that compact of 1782, on which you now so much rely,—and "putting an end to the free Constitution of Ireland."* And as, in truth, that commercial system went to bind this country in certain cases, by the acts of a Parliament *in which she was not represented*, (by pledging her to the adoption of such acts when made, and thus so far divesting her of all legislative freedom,) I am the more surprised at your constitutional scruples about a Union, which would not bind Ireland by the acts of *any legislature, but one in which her aristocracy, wealth, and population, were adequately represented;* and I cannot easily reconcile your affirmation, that not "an atom of our constitution"† was surrendered by the plan which you recommended in 1785,—with your position that the system now proposed involves its utter annihilation. To me that measure seems somewhat more than merely eligible, which, by identifying even to vulgar eyes, the interests of both countries, will appease the factions, and promote the wealth and tranquillity of this: which, instead of destroying the substance of our establishment, will animate its lifeless forms with the pure and genuine spirit of the British constitution, and give it a vigour that shall scatter blessings through this too long drooping land.

But will Union produce these advantages to our country? This, I admit, is the real question. The intrinsic merits of the measure form the true matter for our discussion; to which the competence of Parliament, and the compact of 1782, are about as pertinent as Lord Macartney's embassy to China.

You ask,‡ what defects, tending to separation, the present state of our connexion involves? For my part I discern enough to produce difficulty in selection, and tediousness in enumeration. If our independence be real, I see a range of possible dissensions, as wide as is the sphere of legislative dominion in a state. I see that jealousy, which will be apt to mistake acts of animosity, for assertions of independence, conspiring with a thousand nameless contingencies, to turn this theory into practice; to loosen the

* See Woodfall's Sketch of the Debate; and N. B. that these observations of Messrs. F. and G. were applied to the *Bill* of Mr. Orde, which the then Chancellor of the Exchequer, Mr. Foster, supported.

† Page 44. ‡ Ibid 52.

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connexion, and "strike the crown into the hazard." If our independence were merely nominal, the thing would be still worse: it might involve a dependence the more galling, and aggravated, because concealed: at all events, it would be a fraud; and would contaminate, and render odious, that connexion, of which it made a part; whilst it might expose our ostensibly independent Parliament to the distrust and abhorrence of the people; might bring their most meritorious acts, and those most necessary towards supporting the connexion, into suspicion, and make them pass for symptoms of corrupt servility. Again, if our independence were, as it might be, something fluctuating between reality and name,—substantial on some occasions, and but apparent upon others,—it seems to me, that the likely consequences would be, its combining the mischiefs of both systems: in any of the three cases, I discern in our distinctness, (that is to say, in the theory of our present relation to Britain,) a store of weapons, whereof faction might avail itself, to wound and sever a connexion so frail, that even a pique between two individuals, on opposite sides of the channel, might give to its friends some reasonable ground for trembling.

If, in our present imperial arrangements, there lurk these tendencies to disruption,—have the situation and views of France so little aided their effect, as to render it unwise in us to wrest from our foe, the arms which we had inadvertently committed to his hands? Have separatists at home looked idly at the weakness of our system, or profited by that weakness, in attempting its destruction? Has our populace manifested such a contented fondness for the present establishment, or that celebrated compact of 1782, which secured it, as that we need entertain fears of modifying it, lest we might thereby damp the *loyalty*, evinced by our liege pikemen, at Ross, or Vinegar Hill?

The history of (would I could say the late) rebellion,—the descents upon our coasts,—the fatigues of our yeomanry,—the stern, though necessary provisions of our legislature,—the scenes of scourging in our metropolis,—the multitude of our troops, with all the train of consoling details, which attend on civil discord and disaffection, accompanied with the comments of the empty, arrogant, and applauded Tone,—will supply answers to some of the inquiries which I have made; and suggest whether the defects of our system be practical or merely theoretic.

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But you, Sir, "can find only two defects even suggested: the one of peace and war, including treaties; the other of a regency."*

As to the first, you say, that as the two kingdoms may happen to dissent from each other, so a disagreement between two Houses of Parliament may take place; and therefore the argument which proves the expediency of consolidating the kingdoms, would go to recommend a consolidation of the two Houses of Parliament; *quod est absurdum.*

This reasoning appears liable to some strong objections; which I shall take the liberty of offering without much order,—suggesting them as they occur.

First. One empire, with two legislatures, is somewhat analogous to the idea of one man, with two wills; and is indeed little short of a contradiction in terms: therefore, that the legislative powers of an empire should not be scattered, but concentrated, is at least desirable, if not essential, to constituting and giving existence to the empire.

But one legislature, consisting of distinct branches, is perfectly intelligible in point of theory, and highly beneficial in point of practice.

Therefore, legislatively to blend two kingdoms, if they be parts of one empire, would be to remove an inconsistency, and obtain a good; whereas, to consolidate two branches of the legislature, would be to produce a mischief; and this without the pretext of having had any anomaly to remove.

The British Legislature is divided into distinct branches; because the community, which it represents, is split into different interests: but the kingdoms of the British empire have but one interest, if properly understood; and therefore the necessity for division does not exist.

It contributes to constitutional freedom, to have the branches of a legislature distinct; it contributes to imperial energy, to have the legislative of the empire consolidated, not dispersed.

If two Houses of Parliament disagree—the effect is, that the measure falls to the ground; and in matters of internal regulation, this may happen without ill consequence: but how languid will the empire be, if in great imperial concerns it must remain inactive, paralysed by the disagreement of its two legislatures!

* Page 52.

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Why are the Houses of the British Legislature kept distinct? In order to give them an opportunity of disagreeing with effect: in order to give efficacy and operation to their disagreement; and make each of the branches a check upon the other.

When you prescribe* separate legislatures for the British empire, is it with a view to give efficacy to their dissensions? *If it be not*, you cannot support your measure, on the theory on which the construction of the British Parliament is founded: *if it be*, you do not much consult either the tranquillity or vigour of the empire.

The British system of legislative balance is compounded of three parts; and involves in it a principle as well of Union, as of Separation. It possesses, in the royal estate, a guide to the deliberations of the other two,—and middle term, which connects and consolidates them into one Parliament.—But in your imperial system, I perceive the seeds of nothing, but wrangle and repulsion. It is composed of but two estates. It provides amply for dissension: but nothing for harmony.

His Majesty has, indeed, at the opening of the present session, in his speech to both legislatures, less remembered their distinctness, than that they formed a great council of the empire. But you condemn the minister who advised this speech: you applaud the Irish House of Commons, which declined the royal guidance to deliberation; and inveigh against the presumption of the British Legislature, in having paid more attention to the recommendation of the crown.

One word more on this subject, and I have done.

You say that "Theory says the two houses of legislature may disagree: and that theory *only* says the same of the separate Parliaments of the two kingdoms."

I answer, that if theory had (which it has not, or they would not have been so divided,) affirmed that the Houses of Parliament might mischievously disagree, it would have been amply and repeatedly refuted by practice; whereas, if the same theory had denied that the independent Parliaments of the empire might most importantly and alarmingly dissent,—the annals of 1785 and 1789 would be sufficient to contradict them.—Nay the history of the latter year might render it doubtful whether you were warranted

* Page 56.

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in pronouncing* that it was "*unnecessary to shew, that by law, the executive is, and ever must be, the same, and with the same constitutional powers in each kingdom.*"—Powers limited and unlimited seem not to be the same; and therefore the address of both Houses of the Irish Parliament in 1789, appears to me to have given us an executive, with different constitutional powers from those, which were likely to be conferred in England. I say from those which were likely to be conferred in England; for the British Parliament had not as yet appointed any Regent; and therefore, by our promptitude, we risked having an executive different as well in person, as in powers. The Regency Bill, which was lately introduced, and in support of which you made the speech which has produced my present letter, admits, that upon that memorable occasion, the distinctness of our Imperial Legislatures did not obviously contribute to the stability of our imperial connexion. That (not declaratory but enacting) bill has, however, made many other inadvertent admissions, besides the deliberate one which I have noticed:—for having no otherwise escaped from one class of valid objections, than by exposing itself to others of equal force,—in its text and its annotations,† its provisions and its rejection, it reluctantly admitted—that the evil which it had recognised, it could not cure; and that none but an empiric would attempt purifying an acrimonious habit, by clapping a plaister of basilicon to the eruption.

But, supposing the present state of our connexion to be defective, you doubt whether the defect be more than theoretic; and reprobate Union, as a remedy worse than the disease. You illustrate the question, by the case of juries from the vicinage.‡ I have too sincere a respect for ancient establishments, to attempt impeaching this legal provision with respect to juries. But having got on what may, perhaps, be truly called the dunghill of my profession, let me suggest to you that the wisdom and liberality of latter times, guided probably by experience, has greatly detracted from the force of your illustration. The statute (of Anne, I believe,) which, instead of packing juries from the ward,

* Page 52.

† The clauses which had been struck out in committee, were printed in the form of notes to the bill, and were as much at variance with the clauses which had been let to stand, as these latter were inconsistent amongst themselves.

‡ Page 56.

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directed them to be summoned from the body of the county at large,—gave a most christian-like enlargement to the culprit, or suitor's neighbourhood; and resembled (so far as the analogy which you have chosen is just) referring the suits of the Irish people to the tribunal of an Imperial Parliament.

Besides, the law contemplates, and corrects, those "prejudices, animosities, and friendships," which you notice, and to which you suppose it blind.—Where there is reason to suspect that a fair trial cannot be had in the vicinage, (though that vicinage embraces the whole of a county,) the courts, to prevent injustice, will change the venue.—But prejudices, alas! will spread themselves from counties to provinces, and may taint an entire kingdom at the last! and if a suitor people should distrust the impartiality of the grand inquest,—how assure them, but in changing the venue, by a Union? But "local knowledge is the very essence of a jury's capacity to administer its functions?"*—Be it so; will not Ireland return a pannel to the United Parliament? Is a jury of the county of Louth less qualified to perform its functions, sitting in Dublin, than if it sat in the town of Drogheda?—And may not the Imperial Parliament combine possession of local knowledge, with exemption from local prejudice? Or will you complain, that, on this grand inquest of the empire, the representatives of its British, as well as of its Irish district, claim to sit?

But the British Minister's object in pressing a Union is taxation!† The grant of eight millions which has been made this year, and which you notice, might alone be sufficient to refute your imputation. But suppose it were not; the man who after having observed, even cursorily, our history for some years back,—after having glanced his eye upon the present state of Ireland, and the world,—and looked as far into our future (civil and religious) prospects as he dares,—can see no motive, but a pecuniary one, for desiring a Legislative Union, and assign no views but of finance and taxes, to the minister who proposes it, must have a mind very differently constituted from mine.—Blind and weak that minister must be, who, in a period like the present, does not aim at rendering the subject satisfied and happy: who does not prefer possessing the hearts, to grasp-

* Page 57. † Page 58.

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ing the purses of the people: who does not perceive, that considering the spirit of insubordination which has gone abroad, and the jealous keenness, with which even flaws in government are marked, ruling powers ought, if it were but from mere policy, to pursue measures of conciliation, liberality, and justice: that before they aim at rendering their system profitable, they should take care that it is secure; and not, like Archimedes, be making calculations when an enemy is at their doors.—It is a libel on Mr. Pitt to say that the purse of the nation is his object.—It is not he, that has taxed the empire: it is the Directory of France. It is he that has contrived to lighten the burthen, while he imposed it; and to spread and strengthen the commercial basis by which it was to be sustained. Under his auspices it is, that perpetual drains have been turned into mere temporary annuities; and public credit has been upheld by a mode as simple as efficacious:* that Great Britain has been at once diminishing her debts, and adding to her resources; and this in a degree so rapid and immense, that the incumbrances which she is paying off, she might disregard; and that her imposts are become little else than a sort of import duty on her wealth. But the minister, you say,† will not be contented with our purse: he is also desirous to deprive us of our trade. These charges appear to me to be strangely incompatible with each other. It is as if a parson should wish to spoil the crop from which he was to receive his tythe; or a landlord to lay waste the farm out of which he was to be paid his rent. It seems to me, therefore, that you must elect between the imputations which you would cast on Mr. Pitt; and cannot bring more than an alternative charge against him. I will suppose that you have assigned him, as his motive, the desire of getting the national purse into his possession. Is it not likely then that he declares no more than his real opinion, when he represents a Union as tending to secure and advance our prosperity? Is an empty purse the mighty object of his financial ambition? Could he have the cruelty to forbid our putting a few pieces into the coffer, of which he held the key himself? Or would he prefer possessing all its emptiness at Westminster, to leaving it here in our custody, well supplied,—with the privilege of thrusting his hand into it from time to time?

From this discussion of Mr. Pitt's motives, you return‡

* Allusion to the Sinking Fund. † Page 59. ‡ Ibid 60.

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to the question of Regency; and it being my business to attend you in your arguments, I make no excuse for digressing with you to this subject.

You say, that, upon that occasion, the difference between the two countries, which you admit to have been "unfortunate,"* and which arose from the distinctness of the Imperial Legislatures, regarded not the person of the Regent, but merely the limitation of his power. Though this were so, such disparity of prerogative would in effect have impaired a principle of our constitution; and given the countries two executives, instead of one. But you seem to me to abridge the true extent of the difference, which took place between the Parliaments at that period. You forget not only that the coincidence with respect to person was accidental, and therefore cannot be relied on as proof of conformity between the legislatures,—but that, in fact, no Regent was ever appointed for Great Britain. His Majesty's recovery interrupted the British proceedings in their progress; and however bordering upon strict certainty our conjectures may be, and are, that the Heir Apparent would have been the person nominated, this will not lessen the truth or relevancy of my assertion, that the Irish Parliament named a Regent, before one had been named in Britain; and conferred that authority unlimited, which the English Parliament was restricting; and in doing so they risked having an executive different in person, and more than risked having one different in respect to powers. But they were not (you say) the Parliaments,—they were only *two* truncated estates, that differed on that occasion.† In truth, the act of annexation has *(by a Union)* secured the harmony of the *third;* and so long as that statute shall prevail, I answer for the perpetual amity of the King of Ireland and Great Britain.

But the proceedings of our two estates, you think, at that time were of no avail: for "notwithstanding what passed in 1789, the act of annexation extending to the case of a Regent, and the law of 1782, about the great seal, having besides put the matter out of doubt, there does no real difficulty exist; and the Regent of Britain can alone represent the third estate of the Irish Legislature."‡

But spite of the efficacy of your argument to shew the impropriety of what took place in 1789,—and spite of my

* Page 59. † Ibid 59. ‡ Ibid 60.

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respect for the waxen dignity of that idol, which was set up in 1782, to guard the connexion between the countries, —I should tremble to see that connexion await the issue of a combat, in which two branches of the Irish Legislature, unchecked and uncontradicted by any third estate, were in array on one side,—and a piece of wax opposed to their decision on the other. Nor does it seem that we differ in sentiment on this point; for although you pronounce the case to be "free from all difficulty and doubt," yet, in order to

——"make assurance double sure,
"And take a bond of fate,"

you support, not a declaratory, but enacting bill, which purports to remove those doubts, of which you have denied the existence; or rather (to state the operation of that bill more truly) which, agreeing with you, that this was not a case of doubt, distinctly contradicts your opinion on past law; and denies, that without the provisions of this act, the British Regent is *ipso facto* the Irish third estate.

Be this as it may, however, I concur with you in the expediency of preventing the repetition of such dissensions. We do but differ in the means, which we deem calculated to attain this end. In the transaction of 1789, I see no more than a single consequence of the distinctness of our legislatures; a cause adequate to the production of many mischiefs beside. Whilst you, therefore, are content with plucking off the fruit; I am rather for eradicating the prolific cause: while you are making topical applications to the symptom; I am endeavouring to remove the disease.

You affirm that there is already a Union between the countries.* Do you cite the regency to prove that it is a close and firm one? Did you support Mr. Fitzgerald's bill, to record your opinion of the present solidity of our connexion? And do you continue to trust implicitly in that recreant wax, which deserted its post so shamefully in 1789, and left the field open to our two Houses of Parliament?

But, "Union is a merging of the Irish Parliament in the British."† No: it is only a merger of it in the Imperial Legislature. But suppose your position granted: what then? This vile measure, forsooth, will leave us in as ill

* Page 61. † Ibid.

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a political situation, as Wales or Yorkshire are in at present! Union does not take away our Parliament: it merely changes the residence of that body; and in regulating the number of Irish and British Representatives in the United Legislature, strikes that equitable proportion to the territory, population, and resources of these respective limbs of the empire,—which, while our Parliaments remained distinct, it was unnecessary to strike; and which, when settled, will leave this country in as secure a situation, as any equal tract of territory in the British dominions now enjoys. But Mr. Pitt, in recommending this measure, has stated Ireland "as the vulnerable part of the empire,—torn by contending factions."* Was the statement untrue in point of fact? or immaterial in point of argument for a change? For its truth, we have some bloody documents; supported by the testimony of Hoche and Humbert, and a host of foreign enemies, and domestic traitors: we have the representations of Tone to the government of France, as to the state of Ireland so long ago as 1793;† and the Report of our Committees of Secrecy, as to its more recent situation. To those who are friendly to our connexion with Great Britain, is it no argument for a change of the nature of that connexion, that its present state exposes it to the foe's endeavours to dissolve it? and is there no ground for presuming, that the measure which identifies this country with Britain, must render it as little vulnerable, as our enemies think this latter district of the empire to be at present? It is not the "roll of parchment"‡ which will effect the change: it is the operation of those provisions, which that parchment will contain: the cordiality which it will announce, and record: the liberal and cementing system, which it will legalize and introduce.

But Union, instead of assuaging, tranquillizing, and fortifying this country, "will deprive Ireland of the resident gentry, and upper ranks;" (with their amazing and edifying stock of good morals, and good example!) will rob "villages and estates of their benevolent protectors; and encouraging land-jobbers and pirates, will degrade the hospitality of the old mansion-houses into the niggardly penury of agents' dwellings."§ It must be confessed, that if this be the necessary consequence of Union, it is difficult

* Page 62. † This appeared on the trial of Jackson for high treason.
‡ Page 63. § Ibid. 64.

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to conceive what object the British minister could have in desiring it; or how the Irish Lords came to vote as they did on the first day of our session: nay, how on the same day there came to be a majority on that side in the House of Commons. Our Lords must have been strangely blind to their own interests: our Commons under the temporary influence of an extraordinary delusion; and Mr. Pitt, who has not usually passed for a silly personage, must be acting under the grossest infatuation. Apprehensive that Ireland is not sufficiently discontented, nor France enough disposed to take advantage of her discontents, he must be supposed eager to adopt a system, of which the manifest effect will be to render this country more vulnerable, and the empire less secure. I shall not examine the details of that picture which you have drawn; and which I take to be a mere fancy piece: resembling nothing which Union would produce to Ireland; and *contrastedly unlike to every thing which it has produced to Scotland.*

You desire me to look to Scotland and Wales, which are united.* I do; and ask you, are they less free than Ireland, or than England? Are they, in proportion to their natural advantages, less prosperous than we are? I have not heard of any suspension of the Habeas Corpus Act in Wales; or of the stern provisions of a law for the suppression of rebellion. I have heard indeed of a descent upon the Welch coast; and from comparing what happened on that occasion, with what took place on the landing of the French at Killala, I conclude that Union has no tendency to impair allegiance; and that the united Welch are as loyal as the inhabitants of disunited Ireland. But you ask, is Scotland, or is England herself, exempt from the taint of disaffection?† and you infer, particularly from the case of Scotland, that Union is no protection. I am content to meet you on this ground; and to assert, that Ireland has been the foyer of conspiracy,—and centre of that sedition, of which the flames may, in a less degree, have reached other quarters of the empire. Thus, if a comparison of the situation of the respective parts of the empire proves any thing, as I admit it does,—it proves that Union would contribute to the tranquillity of Ireland.

It demonstrates what was too evident to need being shewn; that by diminishing the chances of separation, you

* Page 67. † Ibid. 67.

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will discourage *those attempts at it, which have disturbed our country;* and that the more complete is the connexion, the less easily can it be dissolved.

These considerations lead me to a part of this discussion, which, I confess, I do not enter on, without embarrassment. To encounter you, on a point of commerce, would require uncommon strength; and unfortunately my qualification is uncommon weakness. But I derive courage from the impregnable truth of the opinion which I am supporting: from the concurrence of Mr. Pitt, who recommends this measure: who pursues it, you say, with financial views; and whom you admit to be an eminently able financier; which it requires no profound commercial investigations to pronounce he could not be, if he sought to carry a measure, detrimental to the prosperity of Ireland.

On the whole, therefore, I meet you even upon this ground; with much the same superstitious confidence in the justice of my cause, as in the days of chivalry would have induced me to throw down my gage, with a "God defend the right!" against some abler combatant than myself.

"How, or why," say you, "should Union diffuse British wealth, or induce British capital to settle here?"* Let me select one from a thousand answers; and say, by promoting our tranquillity.

But how will it promote this? I have already tried, and may, before I have done, again endeavour to shew. Meantime let me observe, that the question which I have imputed to you, withdraws us from the present inquiry; and admits that if Union promotes tranquillity, it must advance our commerce.

In truth this is an admission, which, *important as it is,* you yet cannot avoid making. You cannot avoid admitting, that without internal harmony, all other requisites to commercial greatness are unavailing: there can be neither industry, nor its creature, wealth. In the storms of a disturbed political atmosphere, Commerce will

> "Forbid her gems to swell, her shades to rise,
> Nor trust her blossoms to the churlish skies:"

It is no declamation,—it is sound reason—to affirm, that in establishing tranquillity, Union must so promote our trade,

* Page 68.

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as that even supposing (contrary to the fact) it in some respects restrained it,—yet it must, on the average, be eminently beneficial. It is no proof of an argumentative, but of a little mind, to withdraw from this grand and general view of the subject,—to lose ourselves, and perplex our hearers, in petty calculations. Yet often—have I seen wide views mistaken for extravagance; and the minutiæ of imbecility worshipped as wisdom and discretion. It is no flourish,—it is a truth,—to state that by removing the terrors which obscure and blast our land, we reinstate it in the possession of whatever advantages nature gave it; and relieve the British possessor of capital from all apprehensions of availing himself of those advantages, and settling it in that part of the empire, where it will be most productive. I will ask any candid man, what, after Union, *political* difference there could be, between Ireland, and the same quantity of British territory in England? or what should deter the capitalist from establishing himself in this district of the empire, if its *natural* situation made it suitable to his purposes? Will any man deny that Ireland is possessed of eminent natural advantages? or that hitherto some fatal impediment has prevented them from being fruitful? No man will be believed, who controverts either position. No man can expect credit, who affects to doubt, that the distinctness of the kingdoms, and consequent supposed insecurity of their connexion,—the convulsions which have depreciated the value of property, and damped the spirit of commercial enterprise and exertion,—and which having aimed at destroying the connexion, might be attributed to that distinctness, which rendered it insecure,—the views of our enemies directed peculiarly to this country, and involving a presumption, that they discovered some frailty in the connexion,—that these, I say, were causes, adequate to restrain our commerce, and deter capital from settling amongst us,—and that they are causes which Union would remove.

Observe the language which the Dean of Gloucester puts into the mouths of certain English manufacturers, who were opposing the puniness of their selfish details to the prosperity of the empire: "They" (the Irish) "would run away with our trade." (You differ from this conjecture of the English traders.) "Who" (replies the Dean,) "would run away with it? or where would they run to?" "Why, truly, our own people" (the Irish) "would carry some part

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of a manufacture from us to themselves." "But what detriment would this be to the public? the people of Yorkshire have done the same by Gloucestershire and Wiltshire."* Thus this writer admitted (and the English traders urged) that Union would carry capital into Ireland; but he wisely added, that this would not be a loss to England, but an acquisition to the empire.

Truly has the British minister asserted, that the interests of the two countries should be taken together; and that a man cannot speak as a true Irishman, without speaking as a true Englishman; nor *vice versa*.† Union could not contribute to British greatness, without increasing the prosperity of Ireland. The imperial advantages which it produced, would not stagnate in England: they must ultimately circulate through all the limbs of the British Empire.

Having protested against their conclusiveness, I attend you into your details.

After enumerating the four principal manufactures of England, you affirm that the want of fuel will prevent their migrating into Ireland.‡

Suppose (however improbable) that they should not; and what does this prove? Only that the capital which travelled hither, would employ itself in a mode more conformable to the natural soil, means, and situation of this country.

But you forget the comparative cheapness of labour and provision here. Undoubtedly, in England, a manufacture in which fuel was wanting, would not travel from the neighbourhood of a plentiful colliery, to a country where coals were scarcer, while the price of food and labour remained the same. But (not to mention that the objection will not apply to the chance of manufactures being established on our coasts,) the comparative lowness of wages, and rate of provision here, might more than compensate the greater dearness of fuel, and either afford, on the average, a temptation, or at least so equalize the opposite inducements in this respect, as to leave the adventurer free to weigh the respective benefits of an Irish and English situation in other points. Nay, again, these other advantages might so predominate on the side of Ireland, as to

* Dean Tucker's Proposal.

† See Mr. Pitt's Speech, of which, since I began this letter, I have obtained a copy.

‡ Page 69.

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redeem the objection of scarcity of fuel,—though not compensated in the degree supposed, by the cheapness of that food and labour, which are as requisite as coals can be to a manufacture. Besides, what should prevent British adventure from putting an end to all your arguments, by finding coal in Ireland? It is true that in p. 69 you say, she has it not; but in p. 88, you acknowledge that "coal exists in Ireland; which we have never looked for effectually, but for which necessity may compel us to search." It may be the mere want of capital which has hitherto prevented a successful search; and the numerous other advantages which this country offers, might very probably cause its being employed* (by working our collieries,) to remove the only impediment which you suggest, to the establishment of manufactures.

"England" (you say) "finds a full call for all she makes: every year affords an increasing demand."† What follows? A temptation to vest more capital in business: a temptation, which would immediately operate to send such manufactures to tranquillized and united Ireland, as her situation gave opportunity for establishing to advantage; and which, as by the Union the empire waxed more strong and prosperous, would operate still more powerfully in favour of this country; both by encouraging enterprise, and by rendering Britain too small a sphere, for its overgrown capital to move and act in.

The (constructive) bounty to the Irish manufacturer, of forty shillings on every ton of imported iron, has not brought capital into Ireland.† Is your inference that Union may not introduce it? I, for my part, can conceive that conspiracy defeated—property secured—the connexion strengthened—the people conciliated—the country tranquillized—the enemy baffled in all attempts at separation—might operate more effectually to bring capital into Ireland, than even a bounty of forty shillings a ton on imported iron. Then, indeed, this bounty might have its additional (though comparatively puny) effect; and tend to induce the settlement of a manufacture here. But after Union "this bounty will be extinguished."‡ Not abruptly; or to the discouragement of trade. The system of protecting duties, according to the best commercial authorities, is founded on an erroneous principle; but it will not follow

* Page 70 † Ibid. 69. ‡ Ibid.

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that what it was injudicious to establish, it will therefore be wise too suddenly to demolish; and therefore you very truly state that the articles of Union merely propose a *possible period* at which those duties are to cease.* Dismiss your fears—that "individuals will look to winding up their business, in order to withdraw their capital against that period."† They will be content to have trade nursed as long as it continues weak; and will not prepare to withdraw their capital from a manufacture, because it is likely soon to throw away its staff, and cease to lean on the protection which it has ceased to want. "We import iron at 12s. 6d.: Britain imports it at nearly £3.; and such import duty on this raw material, is fitted to our infant state."‡ If you be warranted in this last assertion, which I do not mean to controvert, I must, however, on that very account, dissent from what you add; and deny that "every man concerned in the iron manufacture here, must expect the United Parliament will put these duties on a level."§ If the Imperial Parliament have (as it may have) a discretion on this point,—the presumption is, that it will so regulate, between Britain and Ireland, the import duties on the raw materials of manufacture, as to proportion them to the maturity or infancy of these states. Even suppose finance to be the object of the minister, yet to make Ireland productive, he must make it affluent; to make the empire thrive and flourish in all its parts, he must promote the prosperity of its Irish limb; and consequently he will adopt measures, that shall foster our manufactures, and encourage loose capital to fix itself amongst us.

The same reasoning will apply to what you say, with respect to farmers. "These," you observe, "must look with uncertainty to the continuance of the corn bounties; and expect that the principles, on which those bounties have been discontinued from one part of Ireland to another, and from the whole of it to Dublin, will be extended, on a similar reasoning, by the United Parliament, to the whole of the United Empire."‖ You, Sir, I recollect, supported the discontinuance of those corn bounties: I must presume that you suffered them to remain, until the farmer had ceased to require this encouragement; nor do I suppose, that a United Parliament would extend the like disconti-

* Page 92. † Ibid. ‡ Ibid. § Ibid. ‖ Ibid.

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nuance to the whole of the United Empire, until agriculture, grown more vigorous, no longer wanted such support.

Much of what you urge, appears to me to be objectionable in one of the following points of view: it either merely goes to shew what the terms of Union should provide; or what ought to be the future conduct of the Imperial Legislature: (and therefore would be fit matter to offer to the United Parliament, or to ours, when the terms of Union were discussing;) or, secondly, your arguments rest on the sophistical assumption, that the situation of the countries, when united, will remain the same as it is, while they are distinct: and thus you debate the question upon false premises, and upon a supposition of circumstances, which will not then exist.

Of the first description, are your reasonings in page 93, and 110. The first of which might have great weight with the United Parliament, or with the commissioners, whose province it was to arrange the terms,—to shew to them, that different systems of taxation should be pursued here, and in Great Britain; and the second might, in the same place, be equally efficacious, to prove that some special measures should be adopted, towards securing the purity of our elections of members to the Imperial Parliament. Of the second description is what you urge in page 70; where, because the English trader has now the Irish market at his door, you conclude, he will after Union continue to possess it; and found, on this hypothesis, an argument against the measure.*

Your premises in page 72, I better understand, than what is the conclusion, which you would deduce from them. You state the export of woollen cloth from Ireland to have diminished so considerably within this century, that in the last year it amounted to little more than one-tenth of what it had been in 1698. This merely proves that, of which we were not ignorant, and which seems not very much to the purpose, that the line of Irish trade has changed. Linen has, in the interval, become our staple, and its export, as you inform us,† was in 1796—eighty-eight times greater as to quantity, and one hundred and thirty-seven times greater as to value, than it had been in 1700.

* I am not overlooking this, that, by Union, the market of each country will be opened to the other: I mean only to say that when trade is advanced in this country, the Irish consumer may be supplied at home.

† Page 105.

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But how does this prove that Union might not bring over British capital, to establish the woollen manufacture? You say* we put down our woollen trade to oblige England. If so, with the assistance of her capital, we may take it up again, without fear of displeasing a country from which we shall have ceased to be distinct: whose jealousies, by Union, we shall have swept away; and whose interests we shall have identified with our own. And here permit me to confess a difficulty, which I have in reconciling your assertion,† that the woollen manufacture cannot travel into Ireland,—with your statement, that the value of our woollen export was £110,000 a hundred years ago;‡—and that even under the disadvantages of our present dearth of capital, woollen and cotton manufactures have been established successfully near Cork.§

Suppose, however, that this should not be so:—that the great increase of agriculture, and of the linen manufacture, giving a greater profit in land than sheep afford,‖ the consequence should be, that the British settlers would not turn their capital to the woollen trade; but would engage in tillage, or the linen trade, or fatten pork for the provision trade, as you say they have begun to do in England;¶) or enter upon any other commerce, more congenial to the circumstances, or habits of this country. What difference would this make? The object is that capital should be introduced into Ireland: not that it should be employed in this or that particular way. Capital (next to tranquillity) is the great commercial want of this country; and capital, by introducing expensive machinery, would remove that obstacle to the establishment of the cotton trade here, which you state the great use of machinery in that manufacture to produce.**—As to the ineffectual operation of Arkwright's patent as a bounty, I have already remarked, with respect to the constructive bounty on imported iron, that the disturbed state of Ireland, and precariousness of its connexion, (as well as those habits of distinctness, which discouraged the indiscriminate dissemination of capital through the entire empire,) supplied dissuasives, more than sufficient to countervail the effect of these light pecuniary inducements: and if Arkwright's patent has expired in England,—yet let Union repeal the patent of Irish jacobinism and sedition,—

* Page 83. † Ibid 69, 72. ‡ Ibid 83. § Ibid 97.
‖ Ibid 72. ¶ Ibid 99. ** Ibid 73.

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and I defy the effects of the ceasing of this bounty. In 1785, the English cotton manufacturers "were under great anxiety and uneasiness, lest the Irish," (in consequence of an arrangement which partially and inadequately achieved the commercial effects of Union,) "should draw over all their workmen, all their trade, and all their capitals; and be able to undersell them in their own markets, by at least £13 per cent."* It is probable that these apprehensions were exorbitant; but it is also likely that they were not altogether destitute of foundation:—and how strangely do they contrast with your exclamations, against the absurdity of supposing that the cotton manufacture might, after Union, be established here!

As to linen, you admit it to be "an article, which, if British capital could be induced over, would very obviously invite it."†—But could not British capital be induced to settle here? you answer no; because scarcely any has settled amongst us yet.—This indeed is a reason for despairing, that, so long as Ireland remains in *statu quo*, English wealth will overflow its banks for her enrichment: but it would be tedious to repeat what I have already stated,—the very adequate preventives to the importation of British capital,—which our distinctness furnished, and which our Union must remove: it would be tiresome and superfluous to insist upon the impossibility of shewing any sufficient cause, (for its scarcity will not be urged,) which, after Union, could restrain British capital from pouring into Ireland.

But it is mere parade, you think, to tell us, that, in consequence of this measure, we shall participate fully in the wealth and commerce of Great Britain. We are already as free to trade to all the world as she is.‡ Yes:—on our *no* capital, and our *no* industry, we are at liberty to trade with all the world: and keeping civil and religious discord for our home consumption, may export our traitors to Fort George, and deal in recruits with Prussia.

"What port in the known world can a British ship go to from Britain, that an Irish ship cannot go to, with the same cargo from Ireland? What article can a British ship import into Britain or Ireland, that an Irish ship cannot import equally into Ireland or Britain? What manufacture can Britain establish or encourage, which Ireland is not equally free to do? If new sources of trade shall be opened

* Page 74. † Ibid 75. ‡ Ibid 77.

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by conquest or by treaty, do they not belong equally, and at the same instant, to Ireland?"* I have adopted literally your own expressions; and now would ask you, if your list of questions be not a list of reasons, why, after Union, British capital should be vested here? more especially if this country be, by nature, advantageously situated for trade, (and that it is so, eminently, will not be denied,)—if the rate of labour and price of provisions be lower here than they are in England,—and if British capital be grown too bulky for the present limits of its exertion.

In page 79, you proceed to shew that our commercial intercourse with England is in a higher degree beneficial to that country, than to us. The evidence which you adduce of this, does not thoroughly bear you out:—for the statement, which you take from the custom-house books, leaves a balance against Britain; and as "the custom-house value" (you say†) "serves every purpose of proportion or comparison," it seems as if you might have abided by it on this question of *comparison*: more particularly as it is the proof to which (p. 90) you have resorted, to shew how good a customer this island is to Britain. To me, however, this adjustment of benefits seems so little pertinent to the present inquiry,—and I am so persuaded that the countries are mutually of incalculable value to each other,—that I shall not enter farther into the discussion.

I might perhaps, upon the same ground, decline reviewing your inquiry, whether our linen trade depends on the British Parliament;‡ but yet must be permitted to attend you, shortly, through this part of your investigation.

At first, (seemingly admitting that we are indebted to Britain for this manufacture,) you say that she is bound by compact to encourage our linen trade. I am sure she is bound by interest to encourage this, and every other Irish fabric; and I believe she sees what is her true interest, in this respect:—but what was the nature of this compact, or when or where it was entered into, you have not informed us; and I, for my part, do not know.

The British measures which protect our linen trade, are, first their duties on the foreign linens; and secondly, their bounty on the export of Irish linens. Does not the continuance of these measures depend on the British Parliament? How then can it be denied that our linen trade is fostered

* Page 77. † Ibid. 90. ‡ Ibid 8.

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by their protection? But neither duties nor bounties were given for us! To inquire scrupulously into this, would, I think, be very childish. Facts and consequences are obvious; but motives are more abstruse; and here the question is more as to the utility of the grant, than the generosity of the grantor. Now as to the value of a concession, affecting that linen, which, according to Mr. Pitt, constitutes four-fifths, and according to you, about one-half,* of our exports to all the world, no reasonable doubt can be entertained; and as to what you state, p. 85, in disparagement of British kindness, it seems to me to prove no more than this, that while she was encouraging our linen manufacture, she also tried to serve her own carrying trade.

I beg to decline following you in your inquiries into the respective powers of Britain and Ireland, to hurt each other by a war of duties and prohibitions. You avow yourself that it is an unpleasant discussion; and I admit that so long as the two countries remain *distinct*, they have the power of interchanging injuries so material, that it is not worth inquiring which could do most mischief to the other, but would be better to deprive both of their noxious powers, and preclude all wars of duties and prohibitions, by *a Union*.

But Union, by increasing the number of absentees, would injure the trade and manufactures of Ireland!† Prove this to the British Minister, and I will answer for his abandoning the measure. But if it does not "take a great portion of the men of property to England," and replaces those it takes, by a useful description of persons, the ground of your apprehension about our trade will be removed: "No absentee" (you say) "can expect to be elected a member of the United Parliament; and every member must be a man of considerable property."‡—Is not the necessary inference from your own statements this,—that if a seat in the United Parliament shall be, as it must be, an object of ambition, an inducement will be held out to men of considerable property to reside in Ireland?—Let me briefly add upon this subject, that Union has not hurt the trade or manufactures of Scotland. You quote,§ with considerable triumph, the language of the British Minister. He has most frankly and liberally said that, until lately, the system of Britain to this country "had been harsh, and unjust; *and as impolitic as*

* Page 86. † Ibid 91. ‡ Ibid. § Ibid 94.

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it was oppressive."—Will Britain renew the conduct from which she had departed, and which her government has so described? Will any Minister, though he was no partial friend to Ireland, resume a policy which Lord Grenville has acknowledged to have been "*absurd*, as well as barbarous;" and which "however it might have contributed" (says Mr. Pitt) "to the partial benefits of districts in Britain, *promoted not the real strength of the empire?*"—Thus does not the policy which Britain has fully recognised,—or, if any man prefers a more jealous and invidious epithet,—does not British selfishness afford a guarantee for British kindness? —and need we fear a Union with an adequate Irish representation?—Why call our hundred representatives a mockery?* Would their voices be more feeble than those of the Yorkshire members? Would their sentiments be less attended to? Would their local knowledge be more neglected? Why idly contrast the Irish with the British members,—when they are the indiscriminate representatives of a cemented empire?—When the prosperity of Ireland is the aggrandizement of that Britain, over whose interests you suppose the 558 will so closely watch?—May not an Irish member share in, or even guide the councils of the empire? I shall not dwell on such a man's predilection for his country, for his duty undoubtedly would be impartially to consult the interests of the whole United State; but at least Ireland would not suffer under such an administration.

But admitting that articles might be devised to secure the Irish trade and purse,† against those whose interest it is to protect both,) in the alleged omnipotence of Parliament you discern a power, to defeat or mutilate this compact. Excuse me, if I say, that such reasoning is unworthy of you. It soars *inter apices juris*, in order to perch on a supposition, subversive in its consequences, and refuted by experience. "The Imperial Legislature" (as I have on a former occasion stated,) "may be competent to disfranchise Wales, or Yorkshire, or to violate the terms on which the sister countries shall have been united; but I see no moral possibility of their applying their transcendant authority to such a purpose."‡ If by a maxim of the constitution, the King can do no wrong, still less can that legislature, of which he but constitutes a part; and if we are to ramble

* Page 95. † Ibid 95 and 96. ‡ An Address to the People of Ireland.

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into the boundless regions of abstract possibility, I will reply, that substantially to violate the articles of the Union, would be to subvert the Imperial constitution, and be one of those extreme and not supposable cases, which might absolve the Irish subject from his allegiance, and justify an appeal from the legislature to the sword.

But we are to look to Scotland,* in vindication of your fears.—I imagine myself to have been one of the first, to whose lot it fell to expose the absurdity of alleging the Malt Tax, as an infringement of the Scotch treaty of Union. The task was free from difficulty; and was performed by a short quotation from the histories of that period.† But the violation on which you choose to rely, is not the tax on malt, but upon income. In urging this objection, you desert the spirit, in order to fasten on the letter of the treaty. I answer it by observing shortly, 1st, that all taxes must ultimately affect income of every kind; and therefore, if your reasoning were well-founded, there would be but one way of avoiding a violation of the Scottish Union, viz. by abstaining from taxing Scotland altogether: 2dly, the very spirit and object of that provision in the treaty, which you notice—the very end which the Scotch nation must have proposed to itself in inserting it, was that which is accomplished by the Income Tax; namely, the taxing Scotland in proportion to its means, and striking between the contribution of the two countries, the same ratio that there was between their wealth and income. 3dly, the recent exigencies of that united kingdom, of which North Britain is an integral part, imperiously demanded of the Scots, as they tendered their existence, to contribute to its preservation.

I shall not follow you in your examination of the effects of Union upon Cork. That quarter of the kingdom is probably best acquainted with its own interests; and entertains an opinion different from yours. I shall content myself by answering the question, and the remarks which you apply to this part of the discussion.

You ask "what could induce the establishment of a dockyard, after a Union, more than before?"‡—The abolition of all fears and jealousies, that were the creatures of our distinctness: the abrogation of all maxims of suspicious policy: the intimate blending and identification of the two

* Page 96. † Address, page 91. ‡ Page 98.

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countries: the taking away from Britain every question upon the subject of where she should establish a dock-yard, except the single one of—which was the best naval station?

In order to console Cork, however, for the disappointment which you predict, you remark that no trade exists where great dock-yards are established.—I do not, for my part, know how the fact may be; but supposing it to be as you state it, I presume other adequate causes could be assigned for that want of trade, which I am unable to see how the establishment of a dock-yard should produce.

But we should not address ourselves to Cork; we should speak to Ireland. You do so, when you ask, if we "want to be better than well?"* I protest if we be well, the symptoms of our political health are very strange ones. I speak not of that late rebellion, which you may tell me was but a crisis that has operated to throw off impurities, and restore the vigour of our constitution. I speak of those military escorts which attend our judges round their circuits, to protect them from the rude and ramping health of our people: I speak of the number of troops which have come from England, to bear witness to the political sanity of Ireland: I speak of that regimen of martial law, which the legislature has just prescribed, to check the imprudent frolics of an over-vigorous people, and prevent their health from becoming too plethoric. I could enumerate other symptoms, but should tire my reader, and myself; and therefore shall conclude, by doubting whether the physic which you are for rejecting, be quite so unnecessary as you think it.

In page 100, (as I follow in your winding course) I find you recurring to the example of Scotland, and denying all similarity between our situation and hers.

Scotland, you tell us,† "by the junction of the crowns, "became subject to English influence, in all her national concerns:" their Darien settlement was destroyed by the jealous interference of England:‡ Scotch feelings were continually hurt, by the harassing proceedings of their "powerful and jealous rival," who depressed their country in "her trade, and in every thing of value in her state;"§ and upon all these grounds, you conclude that Scotland had reason to accept a Union; and to expect in it, a remedy for the grievances above mentioned.

* Page 100. † Ibid. ‡ Ibid 101. § Ibid.

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From Great Britain's "partial conduct against this country,"*—from her having, "for forty years, harassed our victualling trade, by embargoes,"† and from the oppressive and jealous tenor of her entire conduct, you conclude that a Union must injure Ireland.

Are the above arguments consistent? or, by which of them will you abide? If your premises were admitted, your first reasoning would be the justest; and would extend, to prove the utility of Union to this country.

But, in pointing out the dissimilarity of our situation to that of Scotland, you observe that she was connected with England, only by the *accidental* circumstance of the English crown having descended upon her monarch.‡ On this, allow me to observe, that as high-sounding phrases will not strengthen, neither can disparaging epithets diminish, the firmness of that connexion, by which two countries are held together. That connexion, which by stiling it accidental, you imply to have been precarious, and unlikely to endure,—depended on a no less strong support, than those rules and maxims of hereditary descent, which in England and Scotland were the same, and which have lasted to the present day; and, if the Abdication of James II. and consequent Revolution, Act of Settlement, &c. had not operated on the British system a change as rare and violent, as it was useful,—(a change, against which, if they had happened to encounter, our sealing-wax and parchment would have made as ineffectual a stand, as the venerable rules of hereditary right,) I say, if this extraordinary change had not taken place, that Union of the English and Scotish crowns, which had happened on the demise of Elizabeth, would have continued as long as there were heirs of the House of Stuart. And thus much for the durability of the Scotch and English connexion, (in the junction of their crowns;) as contrasted with that which holds these countries together; accompanied with all its appendages—of great seal, Annexation Act, &c.

You deny that Scotland had a constitution *like* Britain;§ I might have controverted your position, though you had but denied her to have had substantially the same. When a man asserts that an establishment, consisting of three estates, a representative body, (particularly organized, but still representing the same class in the state, as our Com-

* Page 93. † Ibid 97. ‡ Ibid 100. § Ibid. 101.

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mons do,) a chamber of hereditary nobility, graduated analogously to those of England, and holding their titles by like grants, and with similar limitations,—an hereditary King, the chief executive magistrate, and possessing a right of negative on the proceedings of the legislature,—that this establishment is not like the British Constitution: I cannot argue with such a man; I can only express my surprise. The arrangement of 1706, however, has practically and successfully disputed your opinion; and by blending the Scottish Lords and Commons with the English, has recorded them to have been respectively homogeneous classes.

"We," however, "are not only united to the crown, but to the empire: our friends, our enemies the same; and our interests, as well as laws, binding us in that Union."*

Why then, in the name of Reason, if a single flaw can be discovered—on which to fix a doubt of the permanence of our connexion,—should we shrink from consolidating it, by the most intimate incorporation? We should thereby lose our free constitution! I deny it. Prove to me that we shall; and I will vote against a Union. Meantime, you must allow me here to cite a passage from your speech,† accompanying it with some qualifying parentheses of my own.

"In preserving" *(the distinctness of)* "this constitution, we retain all the means of trade;" *(except capital, industry, internal quiet, and that stability of connexion, which may attract the capital of Britain:)* "whereas, if we sacrifice it," *(by blending our distinct establishment, with a system analogous in theory, and better administered in practice,)* "wealth will vanish, when freedom is banished," *(by our obtaining those protections which secure it to Great Britain.)* "We have more to lose than mere wealth, or trade: we have to lose sound genuine liberty;" *(by participating in all the privileges of the British Constitution.)*

In page 104, waiving those arguments which you had founded on the alleged difference of our present situation, from that of Scotland at the period of the Union, you (for a moment) admit their similarity; but contend "that every argument drawn from the arrangement of 1706, strongly urges us against a similar experiment."

You doubt whether the increasing prosperity of Scotland,

* Page 103. † Ibid 104.

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since the Union, is properly attributable to that event. It is difficult to prove the affirmative or negative of such a question; and besides, requires evidence, which neither you nor I possess. A comparison of the rates of Scottish progress, for fifty years before, and fifty years following the Union, would prove something. If that progress appeared infinitely accelerated in the latter period, it might seem presumable that that event had contributed to advance it: and this presumption would become still more violent, if it appeared, on investigation, that the interval between Scotch and English prosperity, had been greater before the Union, than it was since. For, that "progressive state of the world, for the last century,"* to which, rather than to this measure, you impute the prosperity of Scotland, would have operated in equal degree upon both countries; and therefore the decrease of disparity between their greatness, would be fairly enough imputable to the Union. That arrangement would appear to have removed impediments to Scotch improvement; and by giving it the full use of whatever advantages it had from nature, to have enabled it to participate duly in the progress of the world.

"But has Scotland advanced in prosperity, since the Union, as much as Ireland?"† I presume not. Spite of whatever mischiefs were produced by Irish distinctness,—I presume not. This admission I concede not to your proof; but to my own conviction. *Your* demonstration is inadequate, and sophistical. You measure the relative progress of the two countries, by mere comparison of the advancement of their linen manufacture; without ascertaining whether this has so predominated in Scotland, as with us: whether it has been equally the staple of both countries.

But I presume, the advancement of Ireland has been more considerable. I do not conceive Union to be a measure of sufficient efficacy, to efface the distinctions of natural advantage, and prevent the prosperity of a country from bearing some proportion to these. It is enough, if it removes all political obstacles to a country's greatness; and thus renders it more prosperous, than disunited it could have been. Ireland may be blessed with natural capacities, which have so far outweighed her political disadvantages, as, after all, to let her outstrip the prosperity of Scotland. But if united, I am satisfied she will leave her

* Page 104. † Ibid.

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still more behind; and reap, at length, the full benefits of her soil and situation.

On the question, however, whence Scotch prosperity has arisen, I am content that we should make a compromise, if you think proper. I will abate somewhat of my certainty, that it has been produced by the Scottish Union, if you, on your part, will not so inexorably refer to the settlement of 1782, every advance which has been made by Ireland, since that period.* Suppose, that in fourteen years from 1782, Irish exports rose as much as they had done in eighty years before: we know, that in the case of individuals, and of nations, improvement does not proceed regularly, but *per seconsses:* we know that the recent acceleration, of which you boast, may have arisen, not from the arrangements of 1782, but from that free trade of 1780, which a Union, instead of cramping, would practically promote: we *do not* know but a comparison in the case of Scotland, would furnish the same difference between her rates of progress, since, and previous to 1782: we *do* know, that latterly, the advances of England have been incomparably more rapid, than they were before; and that she may have hurried us along, as an imperial relative, in those strides. At all events you know (for you have stated) that "the argument is shallow, which attributes every increase of trade in Scotland, from that day to this, to the Union;"† and the argument which is shallow, as to Scotland, cannot, as to Ireland, be more profound; nor can the settlement of 1782 be entitled to a privilege, which you deny to the arrangement of 1706.

"The question between England and Scotland," (you say) "was Union, or separation?"‡ I doubt whether, in the present case, the question be widely different; and found my doubts on events too melancholy, and too notorious, for enumeration: I might found them on the mere reports of our secret committees; and they would stand. But the proposed Union "leads to separation."§ Prove this to its supporters, and I will answer for their conversion. Can you seriously imagine that the minister, or the Legislature of Great Britain, would propose a measure which "leads to separation?" What has brought the British Militia into Ireland? Would the government which sent those to fight, if necessary, for the connexion,—lend

* Page 107. † Ibid. 104. ‡ Ibid. 107. § Ibid.

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its hand to a measure which "leads to separation?" Nay, Sir, we should listen with distrust even to *arguments*, which were employed to prove any thing so incredible as this; and so long as you confine yourself to mere paradoxical *assertion*,—spite of your merited weight, we cannot listen to you at all.

You ask, why Mr. Dundas "has not told us the opinion of his countryman, Mr. Adam Smith, on the effects of the Scottish Union?"* I am sure I cannot tell. He might, with perfect security, have resorted to his authority; while, for you to quote it, appears rather indiscreet. Adam Smith has explicitly declared it as his opinion, that, by a Union with Great Britain, Ireland would obtain not only commercial, but *other more important advantages:* that this measure would dry up a source of discord and oppression; and that "without it, the inhabitants of this country were not likely, for ages, to consider themselves as one people."† A writer who holds these sentiments with respect to Union, is not exactly the authority, which an Anti-unionist should choose to cite.

Having, in a speech which I made in Parliament, in January last, and which has, since that time, appeared in print, discussed the question of parliamentary competence pretty fully, I shall, (without meaning to refer my reader to what has been said, or written, by so poor an authority as myself,) yet decline repeating here what I have thus already offered to the public; and shall content myself, in answer to what you urge upon this head, with observing briefly—that to dispute the competence of Parliament, is to deny the constitutional existence of the united kingdom of Great Britain, and shake to its foundations his Majesty's (not hereditary) title to his Scottish crown; nay may go to impeach the right of the House of Hanover, (under the Act of Settlement) to the throne of England: that it is to contradict the express positions, as well as to subvert the consequential doctrines, of some of the ablest constitutional and legal writers; including names no less respectable than those of Blackstone, Coke and Montesquieu; and operates to give inevitable admission to a republican principle, which will degrade Parliament from its

* Page 106.

† Inquiry into the Nature and Causes of the Wealth of Nations. Book V. c. 3.

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high station, and deck a fierce and unwieldy multitude in the spoils of legislative supremacy.

The security of the subject against parliamentary domination arises, not from the limited authority of the legislative, but from the frame and construction of Parliament itself; in which the various and conflicting interests of the state are so well poised, as mutually to control the encroachments of each other: and if, spite of these precautions, a weak and wicked Parliament should yet abuse its vast authority,—it might thereby legitimate insurrection, and pull its own power about its ears; but with that power, would perish the whole fabric of the constitution: while this endures, the theoretic power of Parliament being unbounded, we are relieved from all preliminary trouble, of inquiring into its right of accomplishing any measure which is before it, and may proceed at once to investigate the merits of the plan itself; since, in demonstrating its utility, we shall bring it within the sphere of parliamentary competence to achieve. It is a glorious prerogative of the British Constitution, that there is no political blessing for the people, which lies beyond the reach of their Parliament to obtain.

The grounds I have thus laid, Sir, will furnish a refutation of your hypothesis,† that if the omnipotence of Parliament can consolidate two separate legislatures, it may equally consolidate the three estates of each; or take the purse of the nation out of the custody of the Commons.

No Sir: this consolidation would be no blessing,—but a curse: a manifest subversion of the liberties of the people: such a measure is, on the face of it, so mischievous and deformed, so repugnant not only to the principles, but to the very existence of our constitution, that its adoption by Parliament must not, even in the way of hypothesis, be supposed: "There are points" (as you truly observe) "where the powers of the legislature end,—and those of the people, at large, begin;"‡ and it may be added, that such extreme cases can never furnish illustration: it may be added, that, under no possible circumstances, could a consolidation of the three estates of the legislature be beneficial. But can it be contended—will you contend,—that under no supposable circumstances, on no devisable terms, could an incorporation of these two parts of the empire be

† Page 108. ‡ Ibid.

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advantageous? And would our Parliament be then incompetent to obtain its benefits for the people? Must we, as a preliminary step to its attainment, depose Parliament from its supremacy? and in doing so, dissolve the government, and annihilate our whole establishment? You will not contend for so ruinous a doctrine; and, in abandoning it, will acknowledge Parliament to be competent to enact Union.

I have now Sir, (I hope consistently with that respect, which is so justly due to you,) gone through your several arguments, *seriatim;* and given them such answers, as my small abilities could supply; but whether or not I have succeeded in refuting you, it is not for me, but for the public, to pronounce.

Let me here, while I am hastening to my conclusion, be allowed to introduce one or two observations, though not *directly* in answer to any thing which has fallen from you.

You have more than once contrasted the 100 Irish, with the 558 British representatives. Let us pursue this idea, by examining those contrasts, which the Parliament of this country will internally afford. The members for counties, cities, and commercial towns, will be found to form a small portion of the 300,—compared with those who sit for what we call *close* boroughs. The meaning of this epithet "close" it is not my business to determine; but I believe it is neither untrue, nor unparliamentary, to suggest, that this majority of our House of Commons does not more truly represent the landed and commercial interests of this country, than they are represented by the 64 county, and the city members. Now I have heard it said, and I believe with truth, that if a Union should take place, the system of Irish representation was likely to be modified in this respect,—that the entire number of county members remaining, and the principal commercial towns also returning representatives, the number of those who sit for boroughs would be materially abridged. Indeed it is plain they must be so; if the number of representatives secured to Ireland, by the terms of Union, be a hundred. For when from this sum we deduct 64 county members, and some representatives for cities, and commercial towns, the number remaining for borough members (by an arrangement resembling the Scotch, perhaps,) to make up, will be extremely limited. Thus the Irish portion of the Imperial Parliament would be composed wholly of the genuine

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representatives of our landed and commercial interests: of men whose own welfare was closely allied to the prosperity of their country. If seats in Parliament were venal, the benefit resulting to this country from such an organization, would be the more signal; for this abridgment of the comparative number of boroughs would prevent British money from gaining a seat amongst our legislators; and would secure us a thoroughly Irish representation.

If this be so,—it seems to me that Union affords the only probable or secure path to those grand popular measures, of which for some years back we have heard so much. It might give Catholic Emancipation; and must produce Parliamentary Reform.

I imitate your example,† in declining those discussions, which regard the state of our religion in this kingdom; both, because I have on a former occasion‡ published my opinions on this subject, and because I concur with you, in considering it to be a delicate topic. Thus much however, may without impropriety be said; that this country is not a scene of the most perfect religious concord: that Adam Smith has supposed Union would mitigate religious prejudice; and make the inhabitants of Ireland consider themselves as one people; a consummation, which must be most devoutly wished, by every friend to the connexion, to the empire, to his country: that the temper and genius of the times are not such as to render this the most proper moment, for upholding an irritating system, with a strong hand: that the situation is arduous and perplexing—in which, while it may perhaps be dangerous to grant, it is not liberal, if perfectly safe policy, to withhold: that Union would extricate us from so embarrassing a dilemma,—by making the religion of the people, the religion of the state.

The tendencies of Union in other respects, I have, in the foregoing pages, had occasion to discuss. If these were such as you describe, I should heartily join with you to cry, no Union!§ But, persuaded as I am, that its tendencies would be to baffle all attempts at separation; that by giving vigour to the empire, it would give security to Ireland; that it might remove some of the risks, and difficulties, which obstruct sound and moderate religious, or political reform; that it would bring an orderly rank of persons in

† Page 111. ‡ In an Address to the People of Ireland.
§ Page 107.

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contact with the mass of our people; and fill up, as it were the chasms of our incoherent community: that it would, by their example, improve the morals of our lower ranks; initiating them in industry, and communicating to them a taste for the decencies of life; in a word, that it would raise and civilize our barbarous and degraded people; and fit them to enjoy the freedom it conferred: that it would bury, in a complete identification of interest, whatever jealousies may have subsisted between the kingdoms; would assuage that internal discord, of which we have so long been the victims,—and permanently enrich and tranquilize our country: satisfied as I am, that such would be the effects of Union, I say to my countrymen, "accept the offer; and adhere to the constitution of 1782."† Preserve the constitution, which you then acquired: it must be invaluable; for it is that of Britain: but abolish a distinctness, which impedes the practical enjoyment of its blessings; and is at variance with a connexion, on which your happiness depends.

I have the honour to be,

&c. &c. &c.

WILLIAM SMITH.

DUBLIN, APRIL 27, 1799.

† "Reject the offer; and adhere to the constitution of 1782."
Speaker's speech, p. 107.

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LETTER

TO

HENRY GRATTAN, ESQ. M.P.

&c. &c. &c.

By WILLIAM SMITH, ESQ.

——— "Revinxit;
Immotamque coli dedit."——
VIRGIL.

FOURTH EDITION.

DUBLIN:
RICHARD MOORE TIMS, 85, GRAFTON STREET.

MDCCCXXXI.

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LETTER TO

HENRY GRATTAN, ESQ.

&c. &c.

SIR,

IT seems to me that the intelligent part of the Irish nation have a right, before they decide upon a matter in which their most valuable interests are involved, to expect that it should receive the amplest, and most complete discussion. No argument should remain untouched, no objection be left unanswered, which can throw light upon a question of such singular importance, as that which now engages, and indeed agitates the public mind. Under the impression of this sentiment, I sit down for the purpose of addressing through you to my countrymen, such observations on the question of Union, as have been suggested to me by the perusal of a speech lately published as yours, in the Dublin and Anti-union Evening Posts.*

For many of those who are on the Anti-union side, I feel the most sincere respect; and look on them to be such staunch friends to British connexion, that I am persuaded there must be moments when they doubt the expediency of an opposition, in which the worst enemies of Ireland concur: moments, when they almost recognise the salutary

* Of Saturday, Jan. 18, 1800. I do not undertake to animadvert on any thing which fell from Mr. Grattan in Parliament, but only on those positions which have been published in the newspapers under the sanction of his name.

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tendencies of a measure, against which separatists have raised their voices, to a man.

I do not censure, I applaud, the generous sacrifice which they make, in not withdrawing that support which they think due to a just cause, though contaminated by the suspicious advocatism of treason. But I warn them, they are mistaken: the cause to which they are inadvertently lending their assistance, is the same which they have so lately defeated in the field. If they doubt me, let them look to the allies whom they have gained: let them ask themselves if the zeal which their new confederates evince, could be excited by any prospect short of separation?

These reflections have insensibly led me away; though not into topics which can be deemed foreign, or irrelevant: I shall now enter, without further preface, upon the task which I have undertaken, and proceed with my examination of your printed speech, together with such matters as appertain to it, and to my subject. But before I engage in that free discussion which is before me, it may be right that I should disclaim all intention of giving you personal offence. I have nothing to do with your motives or designs; and your friends have my permission to balance, if they can, whatever mischief you may have done, with the good which you intended: I shall merely indulge in those animadversions on the tendencies of your political conduct, to which every public man is accustomed to submit.

You open your attack on the measure which I support, with a multitude of assertions, which, as they are utterly unsupported, I persuade myself that it will not be difficult to put to rout.

"The British Minister," you inform us, "declares his intolerance of that parliamentary constitution of Ireland, which he ordered the several Viceroys to celebrate: now pronouncing that establishment to be a miserable imperfection, in defence of which he recommended the French war, and to which he swore the yeomanry."

Sir, this is not so: Mr. Pitt is so far from declaring his intolerance of that constitution, which he has concurred in commending, that he seeks, by the proffered Union, to protect it against the intolerance of those, who might prefer an establishment on the French model: nay he more than endures the independence, which makes a part of that constitution: he has expressly recognised it, and acted on this recognition: he has repeatedly and explicitly acknowledged

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the incompetence of the British Legislature to bind this country to a Union, and the competence of our Parliament to reject the proposal: insomuch that though we should take so narrow a view of the subject, as to look to no part of the constitution of Ireland, but that which regulates its relations with Great Britain, we should yet be justified in asserting the consistency of Mr. Pitt; and insisting that the conduct of the English Government, with respect to Union, has not only amounted to a tolerance, but to a strong assertion of the independence which we acquired in 1782.

But the British Minister has at no time applauded the distinctness, which he now recommends us to abolish. His eulogy applied to principles which Union will leave unimpaired: to theories which Union will reduce to practice. He extolled the excellencies of the settlement of 1782; and left it to more depraved statesmen to celebrate its defects: he admired in it the blossom which should ripen into Union: while others praised the canker which threatened separation. So far from commending the brittleness of our connexion, I firmly believe that the British Minister had it in contemplation, at that period, to attempt the rendering this connexion less precarious. Meantime he did not call on us to rejoice that we were distinct; but, being distinct, to be thankful that we were independent.

If our Viceroys celebrated the constitution of 1782, it was not for any qualities which Union will destroy. They contrasted it with that degrading system which had gone before; not with the preferable arrangement which is to come; and perhaps in no point of view would it have been more deserving of celebration, than if it were considered as preliminary to the measure which is now proposed for our acceptance.

That establishment which was the real object of the minister's panegyric, he is so far from now pronouncing to be a miserable imperfection, that on the contrary the events which have lately passed in Europe have but served to increase its title to his admiration. He has seen the lessons of ages compressed into the narrow period of a few years, and mankind enabled to learn that from their own experience, which it had heretofore been the province of history to teach. The foil of anarchy has made the lustre of our establishment more apparent: and, as in 1793 the French

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war was undertaken in its defence, in 1800 the Union is recommended for its protection.

Fear not, my good Sir, that the oath of the yeomanry should stand between that loyal body and the good of their country. Those who have not taken the obligation, may be excused if they are ignorant of its tenor and effect. Those who have, do not require to be informed, that the King Lords and Commons form the Legislature of this country; that the acts of this assembly are the law of the land; and that by the principles of that constitution, which as yeomen and subjects they are sworn to maintain, the sovereign Parliament, (however dissimilar the two statutes may be) is as competent to enact a Union, as a Road Bill.

Following in your steps, and pretending to no better arrangement than that which the speech that I am answering has prescribed, I now attend you to a subject on which you are entitled to be heard: I mean the final adjustment of 1782.

You make two charges against the British Minister: first you charge him with disclaiming the settlement of 1782;—and secondly, with maintaining that this adjustment was no more than an incipient train of negociation.

The first branch of your accusation I hold to be unfounded; and as to the assertion which, in the second place, you have ascribed to the minister, I am disposed to think it is one, in which the facts will bear him out.

If I can accomplish the refutation of your first charge, without controverting the statement which you have yourself made, it will be a point gained: for by agreeing on facts and premisses, we shall narrow the discussion, and prevent a waste of time. This is therefore what I shall attempt to do.

But I shall in the first instance examine, and endeavour to get rid of, what I conceive to be the least relevant and conclusive part of your argument; viz. that which consists in a denial of Mr. Pitt's assertion, that the settlement of 1782 was a mere (though most important) step in negociation: a mere article in the intended treaty of perpetual amity and connexion; and that "it was in the contemplation of the British Government of that day to adopt some *further* measures, proper to strengthen the connexion between the two countries."*

* See Mr. Pitt's speech on Thursday, January 31, 1799.

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Towards disproving the truth of your denial, and demonstrating that Mr. Pitt was warranted in his position, I will ask of any candid and intelligent man—whether the following short statement would not suffice?

The only grievance complained of by Ireland, which it was the province of England to redress, (all the rest being matter for our own internal regulation,) was that which consisted in the claim of the British Parliament to make laws for this country. This claim was given up, in the way in which Ireland herself prescribed, by the repeal of the sixth of George I.* and *after* it had been so surrendered, —after the single link of our dependence had been thus cut, —"an address to his Majesty was moved and carried, praying him to take such further measures as to him seemed proper, to strengthen the connexion between the two countries:" to which address "his Majesty's most gracious answer, stating that he *would take such measures as might be necessary for that purpose*, was delivered to the house by a gentleman, who then filled" (a high office of trust in administration; viz.) "the office of Secretary of State."†

If the above enumeration of induspatable facts, (facts "public, registered and recorded,"‡ as any on which you can rely,) does not sustain the British Minister's assertion, that after the grievances which Ireland complained of had been redressed, after her disputes with the sister country had been adjusted, it still "was in the contemplation of the British Government of that day, to adopt some further measures proper to strengthen the connexion,"—I for my part cannot conceive what is demonstration.

The sophistry is vain and paltry, which insinuates that a settlement may not be completely final to one intent, at the same time that it is strictly initiative to another: it is an abuse of reason, as well as of language, to infer that what concludes past controversy, must thereby preclude all future negociation. The valetudinarian, who by medicine has brought one malady to a conclusion, is not precluded from changing his regimen to improve his constitution; and prevent his being attacked by another dangerous disease: the recovery which a man suffers in our courts of law, or the fine which derives its very name from its finality, is final

* And was afterwards, to the satisfaction of the most squeamish, surrendered by the act of renunciation.

† Mr. Pitt's speech.

‡ Mr. Grattan's words.

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and conclusive to bar a former entail, while it is preliminary to the further settlement, in contemplation of which it has been made, and which is to provide for the future comfort of the settler, and his descendants.

I dwell the more upon this topic, because I would prevent the possibility of its being attributed to those whose opinions I espouse, that they doubt the settlement of 1782 to have been final. It would be equally false and mischievous, to deny that settlement to have been a final and irrevocable adjustment of all preceding disputes between the countries; but it is no less sophistical and pernicious, to pervert this finality into an obstacle to further measures, which the legislature may deem necessary for securing the permanence of the connexion; measures which, so long as they do not impugn the principle which Ireland then asserted, are compatible with the settlement that took place in 1782; and in no degree impede, or restrain its operation: measures which that settlement was, in my opinion, rather calculated to smooth the way for, than obstruct.

I will not desert the strong ground of fact which I have taken, by shewing the probability which there was, that the British Government should have in contemplation that, which the minister says they had. If I did, I might inquire of any rational man whether, considering the situation of the two countries, it was not likely that the English ministry, having finally adjusted the question of Irish grievance, should proceed to the important question of British connexion, and adopt measures that were calculated to strengthen and secure it? whether they were not the more likely to do so, if the control, which had been just renounced, however offensive it might be to this country, yet tended, with all its faults, to consolidate the empire, and therefore when relinquished, required to be succeeded by the substitution of a system, more compatible with Irish honour, and equally conducive to the interests of Britain? —But this would be to wander into superfluous investigation, by shewing that to be probable, which I had already demonstrated to be fact.

But with respect to this, as with respect to the other branch of your accusation, let me see how the case stands, even on your own statement.

"The first tracts," you say, "of the adjustment of 1782 were two messages, sent by his Majesty to the Parliaments of the different countries:" in other words, the settlement

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of 1782 originated, by your own admission, with the advisers of the crown; that is to say, with the British administration. Now one would suppose, that towards ascertaining the measures of which any plan was intended to consist, we should examine the conduct of the persons who contrived it; and if we do so in the present case, the address and answer which have been already noticed, and which were both posterior to the repeal of the sixth of George I. will evince the truth of the minister's assertion, that further measures were in the contemplation of the government of that day.

But again, supposing (according to the truth) that the British Houses of Parliament were parties to this transaction, then what appears from your own statement? that having determined to surrender their claim to legislate for this country, the British Parliament, in the second place, resolved "that the connexion between the countries should by mutual consent, be placed on a solid and permanent foundation."*

Let any candid man attend to the import of this resolution, and say whether he can contradict the statement of Mr. Pitt, that it was in the contemplation of Government in 1782, towards strengthening the connexion between the countries, to adopt measures of the nature of that which is now proposed.

But you tell us that the address of the Irish Parliament, upon the consideration of these two resolutions, *expressly* rejects the second.

To support the statement which you have so boldly made, you should be able to read from this address, what I confess would be a very extraordinary paragraph; viz. that it was the humble opinion of his Majesty's most dutiful and loyal subjects, the Irish Lords and Commons in Parliament assembled, "that the connexion between the countries should *not* be placed, by mutual consent, on a permanent foundation." Such a paragraph, I admit, would have supported your position, that the address *expressly* rejected the second British resolution.

But you are so far from shewing an *express* rejection, that you are utterly unable to produce an implied one. The Irish Parliament, you say, expressly negatived the second resolution; *for* they said that "they conceived the

* Mr. Grattan's words.

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resolution for unqualified, unconditional repeal of the sixth of George I. to be a measure of consummate wisdom."† The connexion between your premise and your inference, I confess, I am dull enough not to discern plainly.

"May it please your Majesty, we your, &c. in Parliament assembled, conceive the repeal of the sixth of George I. to be an extremely wise measure; and THEREFORE it is so plain, (and follows so inevitably from the premisses,) that the connexion between the countries should *not* be placed, by mutual consent, on a permanent foundation, that we shall not trouble your Majesty, by stating so obvious a conclusion, or by more explicitly rejecting the second resolution, which has been proposed for our consideration." Such logic might be parliamentary; but I doubt its being Aristotelian.

But I am digressing from my subject: for though you should have succeeded, as completely as you have failed, in supporting your position, that the Irish Parliament had rejected the second resolution of the British Houses, yet this would not disprove Mr. Pitt's assertion, that further measures were in the contemplation of the government of that day; nor would it diminish the weight of that evidence, which the English address and answer, and the second resolution, abundantly supply in support of his assertion. It would at most prove only this, that the temper of Ireland, and the silence with which their Parliament passed this resolution over, made it necessary that government, content to appease the jealousies of the Irish nation, and conciliate their affections by liberal concession, should arrest the grand imperial settlement in its career, and postpone its consummation to a more favourable moment.

And what a generous foundation did England lay! By the *first* resolution, she registered her consent that Ireland should be independent; and submitted the *second* to the new tribunal, which she had thus liberally erected. She first made us a high contracting power; and then solicited us to treat on equal terms. Consistently with the tenor of that *first* British resolution, which had renounced all pretensions to legislate for Ireland, the *second* admitted that the connexion between the countries could not be placed on a solid foundation, unless by *mutual consent.*

The Irish Parliament did not reject the second resolu-

† Mr. Grattan's words.

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tion; but, under the influence of some of the party which then prevailed, tacitly postponed entering, as the sister country had recommended, on measures that might be calculated to strengthen the connexion. They withheld that consent, which the liberality of Britain had but just then rendered requisite or efficacious; and preferred inhabiting the ruins of the fabric which they had demolished, to building a firm imperial establishment in its room: while the sister country on her part, respecting the independence which she had conferred, acquiesced in the delay of that consummation which she desired. The regency, and commercial propositions followed: the contagion of French principles soon after got amongst us; and separatists have been long demonstrating the truth of that opinion, pronounced by the British Legislature in 1782, (and to which it is your boast that our Parliament paid no attention,) "that the connexion between the countries ought, by mutual consent, to be placed on some solid and permanent foundation."

A few words more on this part of the subject, and I have done.

After mentioning that passage in the Irish address, where it is said that "we conceive the resolution for the unqualified, unconditional repeal of the sixth of George I. to be a measure of consummate wisdom," you add that you "drew that address; and introduced those words expressly to exclude any subsequent qualifications, or limitations, affecting to clog or restrain the operation of that repeal, and plenitude of the legislative authority of our Irish Parliament."

This paragraph in your speech I consider as very well deserving of attention.

The object, you tell us, of this Irish address was to negative the second of the British resolutions; and with this especial view was that passage introduced, in which the wisdom of repealing the declaratory act is extolled.

What then (on your statement) was the qualification which you were desirous to exclude, and which you were apprehensive might clog the operation of the repeal? *The placing the connexion between the countries, by mutual consent, on a solid and permanent foundation.*

This was the limitation which you were so anxious to exclude: this was the clog on Irish independence, which you feared: this was the abridgement of Irish legislative authority, which you were so studious to avoid.

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To place the connexion between the countries on a firm and permanent foundation—is, by your account, to restrain the efficacy of the repeal of the sixth of George I. and abridge the legislative authority of Ireland.

Sir, you may have advanced these doctrines rashly, or I may have mistaken the tendency of your positions: but if this be not the case,—if you have deliberately made the assertions which I attribute to you, and have acted the part which you describe, then to me you appear to have spoken the language, and (inadvertently I presume) furthered the cause of separation.

Those who regarded the independence which we acquired in 1782, not as their end, but as their means, who valued it not as a grant of freedom, but prepared to wield it as an instrument of separation,—will naturally oppose all measures which tend to strengthen the connexion; and must abhor Union, as utterly destructive of their hopes: to them, the act of annexation will seem a clog on the plenitude of Irish legislative authority; and while they declaim on the finality of the adjustment to which we have been alluding, they will in fact agree with the minister, in considering it as preliminary and defective; the only difference between them will be this,—that while he may value it as a step towards Union,—they will esteem it as a stride towards separation.

I call not upon such men: I address not those, who represent the present connexion of the countries as a state of smothered hostility and mutual intimidation; who derive the security of Ireland from her power of annoying Britain; and vaunt our cordiality, in forbearing to strike the blow, which however they would have continually to impend. I speak not to those, who mingle such bitter and repulsive doctrines, with their wheedling rants about standing or falling with Great Britain. I address myself to a very different description of persons: I call upon the well affected men of Ireland, the loyal opponents of the measure now proposed, to attend to the language of their new allies, and resist, if they can, *their* arguments for Union.

I now proceed to disprove the charge which you have brought against Mr. Pitt, of "denying a recorded act, and disclaiming the final adjustment of 1782;"—and in order to preclude controversy as to facts, and to shorten discussion, I shall keep my promise of taking, as my premisses, the statement which you have made,

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Where are we to look for that disclaimer, which you have so directly ascribed to the British Minister? In the language which he has used, or in the conduct which he has pursued? If I examine his expressions, I am so far from discovering there, any denial of Irish independence, that on the contrary I find it explicitly acknowledged, and even strongly asserted. I find the minister declaring himself "to feel and know that the Parliament of Ireland possess the power, *the entire competence*, to accept of, or *reject*" the proposed Union: that it is the undoubted right of the Irish Legislature to reject, or to adopt such measures, as may appear to them injurious, or beneficial."* By admitting the competence of the Irish Parliament to decline the offer which is made them, and the incompetence of a British Legislature to impose the measure on this country, does Mr. Pitt disclaim the final adjustment of 1782?—What more did we acquire by that settlement than independence? or how can independence be more unequivocally recognised? what more did we shake off, or did Britain surrender, than the competence of her Parliament to control, or bind this country? and how could language more perspicuously record this emancipation upon our part, or this surrender upon hers, than has been done by the expressions of Mr. Pitt? The case is so clear, that the plainest questions form my premisses, and the answers of every rational man will furnish my conclusions.

If it be not in his language that we can detect this denial of the settlement of 1782, which you have thought proper to charge on the British Minister, let us next inquire whether any of his proceedings amount to an infraction of that solemn compact.

"That settlement," you say, "established two grand positions: first, the admission of the Irish claim, to be legislated for by no other Parliament, but that of Ireland: secondly, the finality imposed upon the two nations, regarding all constitutional projects affecting each other."

In undertaking to admit the *facts* on which your charge is grounded, as those facts are stated by yourself, I of course did not bind myself to acquiesce in all your inferences, and constructions. It therefore becomes necessary that I should mention, to what extent I agree with your account of the arrangement of 1782.

* Mr. Pitt's speech.

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I consider it to have established only one position; viz. that all attempts of the British Parliament to legislate for this country should finally cease; and Ireland be thenceforth bound by no acts, but those of her own legislature.

Shew me that Mr. Pitt's conduct has impugned this principle, and I shall admit the justice of your charge against him: prove to me that Union will contravene it, and I shall withdraw my humble support from the measure.

Let us take a short view of the transaction of 1782: I accept of you, Sir, for my guide, in examining its parts.

It was a final adjustment: granted. But of what? Adjustment, settlement, arrangement are terms of relation, and imply something pre-existent: something which is to be adjusted, settled, or arranged. The tribunal which could decide, where no question was before them, must possess faculties which lie far beyond my comprehension.

What was in controversy between Great Britain and this country? The competence of a British Parliament to legislate for Ireland: a Parliament which contained no peer sitting in right of his Irish honours, nor any commoner representing the property or population of this country.

This was the matter in dispute; and the adjustment consisted of a final surrender of the British claim. Upon this subject matter the settlement operated effectually; but upon what was not in controversy it could have no operation at all.

What is your own account of the transaction? Messages were sent from his Majesty to the Parliaments of the different countries, to come to a final adjustment, in order to remove the jealousies and discontents of the Irish. This country, in answer, declared the only cause of discontent, which it was not able by internal acts to remove, to be the interposition of the British Parliament, (constituted as I have described,) in the legislative regulation of Ireland. The question thus proposed, the decision followed: the British Parliament renounced its claim of interference: the stated grounds of Irish jealousy were removed; and the final adjustment was thus concluded, and enrolled.

Great Britain, indeed, having silenced Irish discontent, was desirous to promote imperial connexion. She wished to render more comprehensive, and beneficial, the negociation in which the countries had become engaged. She would fain have made the adjustment *more* conclusive: not

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indeed, by being more final upon the grievance stated, than it was already; (since in this respect I admit the settlement to have been as conclusive as finality itself;) but by embracing another, and a wider subject, and setting at rest an important question which was likely to arise. Great Britain *first* wished liberally to emancipate this country: and having done so, was desirous that independent Ireland should, on terms to be regulated by *mutual* consent, incorporate her freedom with that of her benefactor, and perpetuate at once the liberties, and integrity of the empire.—But in these views, it is your boast that she was frustrated, by the ungracious silence of an Irish Parliament.

To return then from this glance, at the permanent and comprehensive good which might have been accomplished, to the partial benefit which has been obtained, and to resume my inquiry, whether the present conduct of Britain be an attempt to repeal any concessions which she has made,—let me ask you whether it be now proposed that the British Parliament should legislate for this country? It will not be answered that it is; unless by a feeble sophism, which, before I have done, I may condescend to notice.

Meantime let me put a case, which my own question has suggested to me, and which seems to furnish a fair argument *a fortiori*.

I will suppose that the British Parliament should propose to us, to resume the yoke we had shaken off in 1782. If they did, I should reject the measure, with as much indignation as would be compatible with my sense of the ludicrous nature of the proposal. But in refusing the degrading offer, I should admit, that while the minister, who made it, acknowledged the full competence of the Irish Parliament to reject it, he could not be charged with violating the settlement of 1782; and I should despise the understanding, which refused to concur in this admission. The minister, it is true, would offer for our acceptance the very same disgraceful system, which we had so recently and so radically reformed; and in doing so, would grossly insult our spirit and our sense: but still he would not meddle with our freedom: he would not infringe the adjustment of 1782. In a word, he would trust for the acceptance of his proposal, not to our dependance, but to our infatuation.

But does he make any such contemptuous proposal? no: or will any one of those principles, or reasons, which de-

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monstrated that control to be a grievance, which was exercised by a Parliament in which no Irish members sat, apply to shew that it is incompatible with our freedom, to be governed by an imperial legislature, in which we are adequately represented? He is a weak man, or an unfair man, who will not connect the principle asserted in 1782, (viz. that we should not be governed by any Parliament but our own,) with the abuse to which the assertion of that principle referred: who will not see that it was intended merely to protest against Ireland's being bound, where she was not represented.

But give to this assertion the widest possible extent of meaning. Uncandidly and delusively puff out the principle, beyond the meaning and intention of those by whom it was promulged, and still I do not fear to meet you upon grounds, to which I might very reasonably object.

The treaty of Union is the mutual work of the two countries; but the act of Union alone binding upon us will be a statute passed by the independent Irish Parliament, consisting merely of the King, Lords, and Commons of Ireland: composed merely of those, who, under the principle on which you rely, are exclusively competent to legislate for this country: and thus our remotest descendants will be governed in strict conformity to that very maxim, which you would set up as an obstacle to Union; inasmuch as the force and efficacy, with respect to Ireland, of all future acts of the imperial legislature, will be derived from the statute of incorporation, passed exclusively by the King, Lords, and Commons of this country. So far as they affect us, the statutes of the imperial legislature will be as completely deducible from an act of our own Parliament, as the title of his Majesty arises from the acts of settlement and recognition;* or as, with respect to part of the British realm, it may be traced to an article of the Scottish Union.

Thus, (to sum up what I have said,) when you pronounce that the first article of the compact of 1782 excludes Union, because it covenants that the Irish people shall be governed by no legislature but that of the King, Lords, and Commons of Ireland, your position admits of two satisfactory answers.

First, that the statute of Union is an act of legislation, exercised exclusively by that very Parliament, to which the

* Which latter is a sort of declaratory law.

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final adjustment committed the power of legislating for this country; viz. by the King, Lords, and Commons of Ireland; and that, as all future statutes, passed in the united Parliament, will be enacted by virtue of this fundamental law, their authority will therefore rest, as far as concerns this country, upon the very principle asserted in 1782; since the efficacy of those laws to bind the Irish people, will flow originally, and *merely*, although remotely, from an act of the King, Lords, and Commons of Ireland.

And secondly, it may be replied to your objection, that the imperial Parliament will, with the full consent of Ireland, be the King, Lords, and Commons of this country. It will be so, compatibly with the principle of 1782; because Ireland will be adequately represented in that assembly: and even though the meaning of the principle had not been sufficiently explained, by that branch in its assertion which protests against the future interference of *British* Parliaments, yet no man who recollects the history of that period, and the nature of the abuse which we then sought to remove, can doubt that the principle established was *merely* this, that the Irish people should not be bound by laws, which the Irish Parliament did not concur in enacting.

I shall here close my examination of this topic; with an extract from your speech, and a few animadversions, for which it seems to call.

You tell us that "finality was not only a part of the settlement of 1782, but one of its principal objects. *Finality was the principal object of Great Britain;* as legislative independency was the object of our country. Ireland wished to seize the moment of her strength, for the establishment of her liberties: *the court of England wished to conclude the operations of that strength, and bound its progress.* The one country wished to establish her liberty: the other *to check the growth of demand.* The court of England therefore came *to an agreement* with this country; viz. to establish for ever a free and independent existence of the Irish Parliament, and *to preserve for ever the unity of the British empire;*" the "connexion" between the countries to be thenceforward "founded on the eternal principle of unity of empire, "and separation of Parliament."

I shall not stop to inquire whether the separation of their Parliaments be a wise, (it certainly is not an obvious,) basis, on which to found the connexion of two countries; but shall proceed at once to those more weighty considera-

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tions, which are suggested by the passage that I have cited from your speech. This extract I look upon to be pregnant with implications, highly deserving of attention; and to illustrate strongly the profound remark of Lord Minto, that the independence, which we gained in 1782, was a transitory, not a permanent state of things; which, if it were not followed by Union, would lead to separation.

Finality you pronounce to have been the grand object of Great Britain. She granted us the independence which we required: but, apprehensive that our claims might not terminate at this point, she "*wished to check the further growth of demand.*" Let me ask, what is the plain tendency of this insinuation? Having acquired independence, what demand remained, the expectation of which might excite terror in Great Britain, unless it were the demand of total separation? But, obvious as the inference from your statement may be, you do not impose upon us the trouble of collecting it: you put the matter more unequivocally, and directly, by saying that after England had granted us independence, she still deemed it necessary "to bound the progress, and conclude the operations of our strength." The "*physical consequence*" of Ireland, according to this doctrine, had extorted independence from the sister country; but in achieving this, our patriots had by no means gained their end: they had only made some progress to the point proposed: they were still in full, and formidable march,—when England, alarmed at the direction which they were taking, and the strong position which they had gained, thought it high time to check their career, "*and conclude the operations of their strength.*" "The court of England therefore came *to an agreement* with this country:" they came to a treaty, by which our patriots consented to stop their progress, and disband their forces, on being permitted to garrison a frontier post called *independence*, which lay directly in their road, and which they looked on as the key to their promised land of separation.

Sir, this is not *my* account of the adjustment of 1782; and I ask your pardon if I have misinterpreted you, in supposing it yours: the extract on which I have commented is before our readers: who have it in their power, from a more accurate analysis of its import, or an illustrative reference to your public conduct, to do you justice, and correct my misconstruction.

But, if any man took the view of Irish independence,

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which I may have been very erroneously attributing to you, I should use his picture, as a strong argument for Union. I should say to every loyal friend to British connexion, here is a person, who was party to the transaction of 1782, who may be presumed to know the *end* at which the energetic Irish aimed, and the efficacy of the *means* with which that arrangement had supplied them: he tells you, that our independence was but a step, and that "the greater was behind,"—when Britain bid us halt,—and capitulated, by putting us in possession of the high roads to separation, on the terms of our undertaking not to use them! He shews you that independence was, in the eyes of some, less valuable, as it conferred freedom, than as it aggravated distinctness: as it wore away the bonds of connexion to a thread, which the first shock of sedition might snap for ever.

Shall the loyal man leave such an instrument in the separatist's hands? shall we hear our enemy boast his power,—and yet hesitate to disarm him? shall we hear him detail all the advantages of the strong post which he has surprised,—and deliberate about dislodging him,—when we can do so by a word? when we can do so, without sacrificing an atom of Irish freedom; which Britain does not call on us to lessen, but to blend? when we can do so, not by resuming our dependence, but merely by incorporating our distinctness; and mingling in an empire, of which all the parts will equally depend upon the whole? Far be it from me to disparage the adjustment of 1782: I only deprecate the perversion of a great political good. I never can look upon that settlement as pernicious, until that be demonstrated, which never can, that it has precluded a measure, for which on the contrary, I think it has prepared the way. I hold those public characters to be fortunate, beyond the usual lot of men, who having obtained Irish independence in 1782, have lived to perfect their work, by now bringing about a Union.

Unite, or separate: this is the alternative, with which the present day presents us: an alternative, which was discerned in 1785, by Mr. Foster: (but who has lost sight of the danger in proportion as it has advanced:) which rose more formidably upon the view in the year 1789; and which has lately shewn our peril with a distinctness so alarming, that our safety depends on the promptitude of our choice.

But you do not agree with the British minister, in think-

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ing that the proceedings of 1789 endangered the connexion. I might perhaps have hoped to find you convinced by the arguments of your friends the Speaker, and Mr. Fitzgerald; the former of whom is so far from joining in your eulogium, on the pious care which our Parliament took of the connexion at that period, that he considers their proceedings to have been of no avail; for that "*notwithstanding what passed*, the Regent of Great Britain can alone represent the third estate of the Irish Legislature;"* and who has, for the purpose of removing a difficulty which he declares does not exist, given his support to a bill brought in by Mr. Fitzgerald, which alike opposes his (Mr. Foster's) sentiments, and yours: contradicting *his* opinions, by implying the necessity of an enacting statute to establish that, which he pronounces to have been law already; and opposing *yours*, by recording Mr. Fitzgerald's opinion, that it would be expedient to pass a bill which might prevent the recurrence of proceedings so hazardous to the connexion between the kingdoms, and so repugnant to the principles of the Irish Constitution.

But I feel this part of the subject to be of too great moment, for me to let it pass undiscussed; or to depute to one Anti-unionist the task of replying to the other: not to mention, that independently of the importance of the topic, the mode in which you have treated it deserves notice, and animadversion.

It will scarcely be denied to be a maxim of our constitution, that both these countries should have the executive branch of the legislative the same: indeed this partial Union forms, at present, the only point of imperial contact: the single theoretic link, by which the islands are held together.

It is true you abridge the extent of this principle, by insinuation: you give to this constitutional axiom the nickname of the "*monarchical principle;*" and talk of the connexion as preserved "through the *medium* of monarchy." But I dissent altogether from your limitation; which is a mere sophistical attempt to withdraw our attention from the end proposed, to the ordinary means stated as applicable for its attainment: I insist upon the maxim, in the full extent to which I have laid it down; and agree with your faithful allies, the Speaker and Mr. Fitzgerald, that the modes of proceeding to attain the end: either by ordain-

* See page 60 of the Speaker's Speech.

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British Executive, whether King or Regent, can alone represent the Irish third estate.

The mode of applying your sophism is sufficiently obvious: if you could once make us suppose monarchy the *only* medium of connexion, it would follow that any suspension of the exercise of monarchic power would effect a temporary separation of the countries; and absolve Ireland from the obligation of adhering to those maxims, which imply, as they secure, the continuance of connexion.

You might say that during the illness of our beloved and gracious King, the royal power being indefinitely suspended, the "monarchical principle" was, for a period of uncertain duration, become extinguished: that consequently the bond of connexion which this monarchical principle constituted, was, for an indefinite length of time, unloosed; and that the kingdom of Ireland, though annexed to the royal, was no appendage of the *regential*, executive of England.

In exposing the pernicious tendency of the restriction with which you seek to qualify this axiom, and its direct repugnance to the end proposed, viz. permanency of connexion, I conceive myself to have sufficiently proved your two Anti-union colleagues right, and to have shewn that your limitation is altogether inadmissible. If it be imputed to me on the other hand, that in laying down the principle so widely, I make encroachments on the independence of my country,—I answer that the objection comes from those who confound distinctness with independence, and forget that British connexion makes any part of our political system. I answer that British connexion and Irish independence *both* form essential parts of our establishment. Each of these principles sets limits to the other; and the degree of independence which is incompatible with connexion, is also inconsistent with the spirit of our constitution. It is because the line is hard to draw, and is much exposed to transgression, both inadvertent and designed, that Union is become the wish of all prudent men, who would reconcile the liberties of their country with the integrity of the empire.

The principle being established, that the executive branch of the legislature should form the point, in which these national bodies politic cohere, and blend themselves into one imperial state,—it remained to regulate the manner in which this principle should operate. There were but two

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modes of proceeding to attain the end: either by ordaining that our executive should be that of England; or, *vice versa*, that the British should be *ipso facto* that of Ireland; and the latter has been made the maxim of our imperial constitution.

Thus the authority of the English Executive in this country is a political inference; not an accidental accumulation, and falling in of powers. His Majesty, being King of Great Britain, is *therefore* King of Ireland. The latter proposition being a conclusion, deduced from that state enthymeme, in which the suppressed premise is the principle which I have laid down; viz. that the executive of Great Britain shall, in that right, possess the same executive authority in this country.

The connecting principle being thus established in its true extent,—being measured with the object which it was established to secure, and found to consist comprehensively in a union of the executive,—let us inquire whether it was violated, or adhered to, in 1789? whether we should accede to your position, that the proceedings of our Parliament were so well calculated to secure the connexion, that we cannot from thence deduce any argument for Union? or should rather admit the Speaker's doctrine, that what was then done was too glaringly unconstitutional to be available, and may consequently be passed over, without inference or notice? or lastly, whether we should acquiesce in the reasoning of Mr. Pitt, and say, that though the proceeding was unwarrantable, its separating tendency might nevertheless supply arguments for Union? The latter opinion is that which I have long embraced.*

You acknowledge that "the act of annexation forms between the two countries their bond and connexion;" and add that the Irish Parliament "preserved the identity of the executive power," (which you thus impliedly admit to be the statutable bond,) by "*choosing* for their Regent, the heir apparent of the crown."†

On this assertion we are at issue: to me it seems that the spirit which may be collected from the statutes of 10th Henry VII. 33d Henry VIII. and 4th of William and Mary, was violated in two ways, by the proceedings of 1789. First, by nominating the heir apparent, before his Royal Highness had accepted the regency in England; and

* And on which I insisted, in a speech of mine, in the Irish Parliament, delivered by me *on the very same night, on which Mr. Pitt delivered his.* My argument therefore in this and other instances, did not echo, though (I am proud to say) it coincided with his.

† Mr. Grattan's words.

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secondly, by investing him here with the full exercise of those prerogatives, which the British Parliament had limited and abridged.

In appointing that illustrious personage Regent of Ireland, and investing him with immediate power of giving a royal assent to bills, at a time when he was not yet entrusted with the custody of the great seal of England,—we in fact repealed (and by a mere address,) the first-mentioned of those three statutes;* and in doing so, transgressed those limits which are prescribed to the constitutional principle of Irish independence. by the no less constitutional principle of British connexion.

In appointing his Royal Highness Regent here, while he was not yet invested with that high office in Great Britain, we revoked the act of Henry VIII. which made this kingdom dependant on the crown of England, and which provided that the right of exercising executive power here, should arise from the rightful possession of that authority in Britain, and *ipso facto* accrue, by necessary inference, to its possessor: and this repeal was a sacrifice of the principle of imperial connexion, to the wild spirit of Irish independence.

In this premature nomination of a Regent, we acted on a principle diametrically the reverse of that, which dictated the act of the 4th of William and Mary. That statute annulled all Irish legislative acts of James which had followed his abdication: and by its recognition† of the title of his successors, admitted that it did not require the sanction of an Irish act, but flowed to them from previous statutes, and imperial principles. If that statute tended to maintain the connexion, then the address of 1789 was calculated to dissolve it.

I do not mean to rely upon the possibility which there was, that the Prince of Wales would not be Regent of Great Britain: a chance too slight and trivial, to be taken into account. I stand on this position,—that by the connective principle of the Irish constitution, the being executive in Britain is the *sine quâ non*—and efficient cause of possessing a right to executive authority here: that there-

* And the Irish Statute of the 22d of the King, by which it is enacted, that no bill shall pass into a law in Ireland, unless it be returned under the great seal of Great Britain.

† See a note in the Preface of the last edition of Mr. William Johnson's pamphlet upon Union.

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fore to nominate his Royal Highness *previously* to his appointment in England was unconstitutional; and to nominate him *subsequently* would be superfluous: the proper mode would have been to wait until he had become Regent of Great Britain,—and then to have passed an act of recognition.

But if I decline insisting on so remote, and merely physical a possibility, as the Heir Apparent's not becoming Regent of Great Britain, I cannot on the other hand admit you to rely on the Irish Parliament's having fixed their choice upon his Royal Highness; or on their having done so, when that illustrious personage was already designated for the same high station by the British Legislature. I insist on that deviation from the principles of our constitution, and the law of our land, which consisted in our Parliament's claiming any right of choice at all; in their attempting to bestow, what they should at most have but acknowledged; and affecting to make that flow to the Prince from their election, which could only arise from his nomination in Great Britain. This being my reasoning, it is superfluous to observe, that the circumstance which you allege, cannot in any degree affect it: and it is the less necessary for me to suggest, that if separatists had been desirous to avail themselves of the opportunity which his Majesty's indisposition offered, for politically estranging these islands from each other, they were likely to have proceeded as was done in 1789. They would have been cautious not to alarm the friends of British connexion. They would have made as palatable and seducing a choice as might be: under a nomination of the *same* Regent appointed in Great Britain, they would have stolen in the precedent of a right to make a *different* election; and occupied the country in effusions of loyalty and freedom, while they were unobservedly laying the corner-stone of separation.

But if it was probable almost to certainty, that the Prince of Wales would be appointed Regent of Great Britain, it was no less sure that he would not be invested with full regal power; but that a limited authority would be committed to his hands. And how, under these circumstances, did our Parliament proceed? Having usurped a right of election, which our constitution did not give, they deemed it improper "to encumber the Regent with" those "extraordinary limitations," with which his authority was to be

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abridged in England; and thought "it more eligible to leave him in full exercise of all the executive powers."* That is to say, they judged it expedient, in the teeth of established principles, and explicit statutes, to destroy that unity of executive in the two countries, which consists as much in the sameness of the powers exercised, as in the identity of the person exercising those powers.

It matters not to my argument, whether the British Houses of Parliament were right, or wrong, in restraining the prerogatives of their Regent: it is sufficient for my purpose that they did restrain them; and that they had authority so to do. This right you expressly acknowledged in 1789; though you appear to have forgotten your own doctrines, when you inveigh (in the speech before me,) against the minister, for having called on the British Parliament to exercise those functions, which on that occasion you admitted them to possess.

In your speech of the 11th of February, 1789, you state "the duty of supplying the deficiency in the full exercise of the regal power," (which resulted from the King's indisposition) to have devolved on the two Houses of Parliament, as the surviving estates."† I accede to this incontrovertible principle; and call on you, in return, to admit these inevitable deductions; viz. that the two estates are competent to regulate the powers which they confer; and that it is a sound and loyal exercise of this privilege, to bestow merely as much authority, as may be requisite to give due vigour to the government,—and to form the powers which they reserve, into an entrenchment round the throne of their rightful Sovereign, during his temporary incapacity: so that whenever it shall be the will of Heaven to restore him, he may resume his royal functions, without difficulty or obstruction,—may find the constitutional balance undisturbed, —and the just prerogatives of his crown undiminished, and unimpaired. These maxims are as obvious, as they are sound. They do not compose the theory of a metaphysical refiner; but form a plain and practicable doctrine, which every honest member of Parliament, who recollected the oath of allegiance that he had taken, would feel himself bound to act upon: and to those who troubled him with the jargon of "preserving the monarchical principle," he might reply, first that he *was* preserving it for his King; and

* Mr. Grattan's words. † Irish Parliamentary Debates.

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secondly that they were shallow politicians, who could not see that the same portion of prerogative, which would be inadequate, as a permanent attribute of royalty, to protecting the third estate from encroachment, and maintaining through a course of ages the constitutional balance undisturbed,—might yet be fully sufficient for the temporary purposes, and provisional administration of a Regent.

That this destruction of the unity of executive power, which you extol as a *chef d'œuvre* of Irish policy and affection, went to contravene the principles of our imperial establishment, and manifestly to endanger the connexion,—appears to me to be a truth, too self-evident for argument. I shall therefore only add, that as we offered the Regent a greater power here—than he was to possess in England,—so we might have given him less: the mischiefs of such a reversal of the distinction are too apparent, to need being pointed out: yet this difference would have caused a less anomaly in our constitution, than that which the opposite proceeding was calculated to produce. For with the maxims upon our statute book staring us in the face, "declaring that this kingdom justly and rightfully belongs to, and for ever *depends upon*, the imperial crown of England," we gave the superior power to the subordinate executive; and preposterously made the greater depend upon the less.*

I close here, my view of a transaction, which you not only consider as a proper subject for eulogium, but as entitled to the last praise to which I should have supposed it could make pretensions; viz. that of having conduced to preserving the connexion: a transaction, which Mr. Foster, on the contrary, deems to have been so indefensible, that he replies its nullity, to those who urge its mischiefs: a transaction, the separating tendencies of which, Mr. Fitzgerald has admitted,—and has recommended the application of a preventive,—which would assuage the symptom, without removing the disease: and lastly, a transaction, which Mr. Pitt, because he agrees with these latter gentlemen, therefore holds to be no contemptible argument for Union.

The events of 1785 you pass over in complete silence; nor can I blame you for avoiding a subject, which no discreet Anti-unionist would wish to introduce: a subject the

* I do not overlook, what I forbear repeating, that we also acted in direct violation of these fundamental laws, by affecting to elect an Irish Regent; when in fact his Irish prerogative must be derived to him from his being appointed executive of Great Britain.

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more embarrassing at the present moment, because it cannot be discussed, without exposing that discordance, which so eminently distinguishes the heterogeneous opposition to which you belong;—rendering the connexion between its members as precarious and infirm, as that of these islands would be, without a Union.

It would be ungenerous to address to your friend and fellow-labourer in the chair, those invectives against the bill brought in by Mr. Orde, of which you were so liberal at the time of its introduction. Should you tell him now, as you told his predecessor then, "that in a commercial point of view, the proposed "arrangement was injurious to this country,—and that if looked at in a constitutional light, it put an end to the liberties of Ireland," his situation would preclude him from replying, as he did then, that "he could dwell for hours on the many benefits of that system: that it did not violate our liberties, or involve our constitution; and that this country must be infatuated if she gave up the offer.*

In noticing those intestine dissensions, which render you a truly Anti-union party, I must do you the justice of doubting, whether your conduct be not more consistent than that of the very respectable person, to whom I have taken the liberty of alluding. He at that time, (and I accede to his opinion,) did not deem the mere discretion of Parliament a security of sufficient force: but thought that where there was so much at stake, a solemn compact was required—to preclude those dissensions, to which two independent legislatures were liable. He feared that collision, in cases of mere commerce, to which he would expose us on questions of constitution. The connexion he would trust to the good fellowship of the two Parliaments; assured (and the Regency has shewn with *how much* reason,) that even if a momentary intoxication should take place, they would not so justle, as to overturn the empire. But matters of trade being of more delicate, and high concern, he would secure by compact, and not confide to their good understanding, or good will. This undoubtedly must be the way in which he reasons, since otherwise those passages which have been cited from his speech by the British minister, would amount to arguments for Union; which he assures us they do not. Collating therefore his conduct

* See the Parliamentary Debates for 1785.

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in 1785, and 1789, I arrive at two very recondite truths, which seem, for their abstruseness, to be worth publishing to the world,—on the high and respectable authority of that gentleman: *first*, that distinct and co-ordinate Parliaments may dissent alarmingly from each other on commercial subjects; but that on those imperial questions, in which their rival claims to power are more intimately involved, the most perfect harmony and concord may be expected: *secondly*, that to bind the legislature of this country to adopt the laws prescribed to them by the British Parliament,* "is not to violate our liberties in the smallest degree;† but that to admit Ireland to a full participation in British freedom, and subject her to laws enacted by an assembly in which she is adequately represented, is to annihilate our dependence, and subvert our constitution!

You, Sir, (in my opinion,) are more consistent: to Mr. Orde's bill, and to the proposed Union, you have made the same objection, (viz. that both measures are attacks on our independence;) and have, in both cases, given a pretext to your enemies for doubting whether the independence which you defend, be compatible with the connexion which we are determined to maintain.

I ask pardon, Sir, for having adverted to a topic, of which you take no notice in your speech; and which you were so prudent in omitting, that I am only surprised at your venturing upon the Regency; where you also seem to me to be treading upon very hazardous and tender ground: I for my part, have been tempted to this digression, by two objects: first, the opportunity which it gives, of calling my reader's attention to that happy antithesis of opinion, that distinct,—and even conflicting independence of sentiment,—which insulates the individuals of your party; and renders an incorporate Union amongst them as hopeless, as it would be requisite, towards giving sufficient strength to resist the truth and justice of a cause,—to which they would, in all events, at length be forced to yield: and secondly, I was induced to enter on the discussion, by my wish to observe, that when you undertook to specify the British minister's objections, (not to our constitution, which he would preserve, but to our distinctness, which he would incorpo-

* Which would have been the effect of the propositions.

† See the speech of the Chancellor of the Exchequer on the 12th of August, 1785.

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rate,*) it would not have been uncandid to enumerate them all. You state them to consist of the cases of regency, and war. I find the business of the commercial propositions, forming a third, not unimportant topic, in the reasoning of Mr. Pitt. I find him arguing for a Union, from the issue of that proposal, in a way which at least is clear, and in my mind is convincing. Tacitly assuming, what I presume you will not refuse to grant him, viz. that the connexion between the countries is to be preserved, and would be endangered by the collision of co-ordinate parliaments,—he proceeds to observe, that the danger of independent legislatures, acting with jealousy towards each other, is an evil which can be remedied by two means only: either by some compact, entered into by the legislatures; or else by blending the two legislatures together. He defies the wit of man to point out a third expedient; (and the gage which he has thrown down, I confess I feel no disposition to take up;) and having stated that the measure of compact has been tried, and found impracticable,—he infers that we must have a Union, if we would have an empire.

This I admit to be mere solid, unadorned reason; divested of every thing declamatory or epigrammatic; (which perhaps the minister might think unsuitable to so grave a subject;) but I am not certain that the argument is the less deserving of an answer, for being plain, perspicuous, and convincing.

I shall not however dwell longer on what does not need to be enforced; but shall attend you to those parts of the minister's speech, which you consider to be worthy of animadversion.

"The minister proceeds: he states a second instance, namely that of war: here again the fact is against him: the Parliament of Ireland have, since their emancipation, concurred with England on the subject of war; and their concurrence has been productive:" "the wild offerings of" their "liberty have been beneficial." "It is not the isle of Ceylon, the Cape of Good Hope, the Mysore country, nor the dominions of Tippoo," (in short it is not the security or aggrandizement of that empire of which she calls herself a part,) "that engages the attention, or interests of Ireland: it is her own internal freedom and constitution:

* "The minister proceeds: he specifies his objections to this settlement of 1782: the case of regency is one; and war another." Mr. Grattan's words.

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it is *her own idea of that internal freedom and constitution, such as she herself expressed, in her convention at Dungannon: it is for the preservation of this (Dungannon) constitution, that she is interested in British wars.* On these principles I suppose the dissent of Ireland on the subject of war highly *improbable:* but *happy had it been* for Great Britain, happy had it been for his Majesty, *had the Parliament of Ireland not cursed him with her concurrence in the American war.* I should therefore suggest that she is in less danger from the hesitation of Ireland, than from the precipitation of Great Britain. In his argument the minister is weak; but in his remedy he is not only weak, but mischievous. He proposes, by taking away our power of dissent, *to withdraw our motives of concurrence.* I will put this question to my country: will you fight for the Lords and Commons who in the last century took away your trade, and, in the present, your constitution,—as for that King, Lords, and Commons, who restored both? The minister has destroyed this constitution: whose restoration had cost Ireland her noblest efforts; and was the habitation of her loyalty: I say of her loyalty, as well as of her liberty. We are accustomed to behold the kings of these countries in the keeping of Parliament:" the "temple of" Ireland's "fame, as well as freedom; where she had seated herself, as she vainly thought, in modest security, and in a long repose."*

It must be confessed to be no uninstructive example of the mutability of human opinion, to find you pronouncing an eulogium on that Parliament, which you so lately abandoned, with such decided reprobation: to find you consecrating, as an holy sanctuary of liberty and fame, that place from which, suffocated with the stench of its servility and corruption, you had rushed forth with an indignant promise, that, until its pollutions were removed, you never would return.† Into that temple, uncleansed, unpurified, you re-enter,—and prostrate yourself with adoration before the image which you had scorned. You resume your seat

* Mr. Grattan's words.

† Thus I must interpret the first paragraph of your address; for to insist upon a distinction between not accepting a seat from the patron of a close borough, and not soliciting a seat from the electors of a great city, would be a subtity and special pleading far beneath you. It would be so, though we should look no farther than the paragraph itself, and not corroborate the construction which I have given it, by an examination of the general import of your address.

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in that assembly, unaltered, unreformed, from which you not only retreated, but retreated at a time, when nothing short of profligacy, the most flagrant and atrocious, should have driven you forth: at a time when Rebellion might be said to have already unsheathed the sword: and the same Parliament on which you trampled, with such contumelious abhorrence, was attacked by enemies from without, and traitors from within. "Without reform," you then declared, "there could be no self-legislation."* There has been no reform; and you now oppose Union, because it invades our privilege of self-legislation.† You who inveighed against "the fabrication of boroughs, as the fabrication of a court Parliament, and the exclusion of a constitutional Commons; as an act more radically subversive of the fundamental rights of the realm, than the ship-money, or tyranny of the court of high commission, or star-chamber; *as a subversion* not merely of the fundamental laws, but *of the constitutional lawgiver*,"‡—now offer your repentant homage to that court Parliament; and aspire to record your dying testimony against a measure, which would demolish nearly three-fourths of the borough fabric, whilst it left the county representation undiminished. To that same distinguished and very loyal person, who fills the chair of our House of Commons, (or, as you used to call it, our borough Parliament,) who has so often heard with terror your projects of reform, you now address (and you are listened to!) your reprobation of a measure, which would set these dangerous and wild projects at rest for ever.

In the name of consistency, and of common sense, which are we to attend to? your former invective, or your present panegyric? did you slander then—or do you flatter now? whether do we live under a restored constitution, regained by the efforts of a revered King, Lords, and Commons? or have our rights and liberties been in the dust since the reign of James I.? and is our House of Commons a mere court gang, which has dissolved the legal parliament, and thrust "the constitutional lawgiver" out of doors? are you really become interested about the fate "of parliaments and princes?" or do you continue indifferent as to how "it may please heaven to dispose of them," and remain anxious only for "the liberties of the people?"§

* Mr. Grattan's Address. † Mr. Grattan's Speech.
‡ Mr. Grattan's Address. § Conclusion of Mr. Grattan's Speech.

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those liberties which our constitution has entrusted to the guardianship of the three estates; but which your speech seems to commit to the convention at Dungannon.

You put this question to your country, will they "fight with zeal for the Lords and Commons who deprived them of their trade; and took away their constitution?" the query appears to me to be of the same complexion with that doctrine, which refers the security of one part of the empire to its means of injuring the remaining portion: which relies on Ireland's "powers of retaliation;" and enumerates amongst the safeguards of our imperial constitution, our being able to "affect the navy of England, by regulations regarding our provisions;* and to affect her empire, by commercial treaties with the rest of the world." Such doctrines represent these islands as for ever engaged in occupying state-positions, and guarding their respective frontiers against mutual inroad; and form a system, which places our imperial connexion on the broad and solid basis of eternal jealousy, estrangement, and distrust. Such doctrines would supply an answer,—if the reports of our secret committees, the severe code upon our statute book, and the devastation of our country had not already furnished one more irrefragable and convincing,—to those fair promises which were made in 1782; on which, in concurrence with the Speaker, you rely: they would prove to us that the great national arrangement which then took place had *not* "secured the tranquillity of Ireland; or united the affections as well as interests of both kingdoms:"† they would shew us that the Viceroy was mistaken, in supposing that by that settlement "the two kingdoms were made one; indissolubly connected in unity of interests, and unity of constitution;"‡ and would demonstrate that the seeds of separation were too deeply sown, to be eradicated by any measure less consolidating than Union.

But in all that declamation which I have last extracted from your speech, where lurks your refutation of what the British minister has objected to the present order of things, considered with a view to the safety of British connexion?

Mr. Pitt's argument on this part of the subject, as I un-

* I have heard it conjectured that the maiming of cattle which prevailed about a year ago, in the West of Ireland, was a mere reducing of this constitutional principle to practice.

† Address of the Irish Commons in 1782.

‡ Speech of the Lord Lieutenant in 1782.

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derstand it, is as follows: theoretically speaking, two independent legislatures expose the empire, which they distract, to dissolution: in the case of Great Britain and Ireland, experience has most alarmingly reduced this theory to practice. "In the only instance," (that of the Regency) "which has occurred, in which the countries could feel the effects of jarring legislatures, they did feel it:"* they felt it shake the imperial connexion to its foundations. Therefore, in abolishing the present system, we are not complying with the airy notions of metaphysical speculators; but are ceasing to act upon a theory, which we find to be ruinous in practice. What occurred in one case, may happen in another; and it would not be prudent to risk a second political convulsion, where the one from which we are escaped had proved nearly fatal.

Whether the right of choosing a Regent, which the Irish Parliament, practically claimed in 1789, was one which really flowed to them from their independence, (qualified as that independence is by the act of annexation,) might be doubted; and by me the existence of such a right is denied: and therefore, however strong the argument may be, which that transaction furnishes against the system that produced it, yet it is not so cogent a reason, as may be drawn from a case where the right of the Irish Legislature will not admit of controversy; yet where the exercise of that right must threaten the connexion. Such is the case of questions regarding peace or war. "Will any man contend," says Mr. Pitt, "that the independent legislature of Ireland has not a right to discuss the question of peace and war? Will any man tell me that it is not possible for the two Parliaments to entertain different opinions on these important points?" or, "taking it as the basis of the argument, that the connexion between the two countries is necessary for their mutual security,—is it safe, or prudent, to leave it exposed to all those accidents,"† which may arise from the exercise or the abuse of independence?

Such is the argument which you call weak; but which you have left unanswered: an argument, involving this evident and material truth,—that since it is more presumable that our Parliament should at some time, *exercise an undoubted right*, (such as that of discussing the question of

* Mr. Pitt's Speech. † Ibid.

peace and war,) than that they should *usurp a privilege*, which their independence did not in fact confer, such as that of choosing an executive,) therefore the present ill-cemented imperial establishment is even more objectionable and insecure, from its giving birth to such a right,—than from its having led to such an usurpation.

But how strongly do your arguments go to shew the dissension likely, which the minister has represented as merely possible!

You admit his position that the right exists: (indeed its existence cannot be denied;) but you rely on the improbability of its being exerted.

I might with great truth observe, that an object of such moment, as the security of the connexion, should not be trusted to probabilities, where certainty can be had: but I choose rather to meet you on the ground which you have chosen, and to insist that your own reasoning refutes your own assertion. "Happy," you tell us, "had it been for Great Britain, if the Irish Parliament had not concurred in the American war."—Here we seem to have descended from the refinements of abstract theory, to all the gross and palpable realities of practice; and to have got upon, not a mere speculative right, but one, of which you recommend the occasional exercise, as highly beneficial to the empire. Is it to be doubted that some future members of the Irish Parliament, of sufficient political influence to carry their point, might from factious motives, or mistaken views, act upon your principle, and prevail on the legislature of this country to dissent from that of Britain, on this imperial subject? yet that the exercise of this right must more than hazard the connexion, seems to me to be a position, too clear for argument. Thus the question appears to be whether, if we wish the islands to remain connected, it be expedient to correct a system, which gives birth to rights that are likely to be exercised,—and which cannot be exerted with safety to the connexion? whether the British Minister was not warranted in charging us with having "abolished one constitution,—and forgot to form another?" that is to say, with having destroyed one mode of securing the connexion, and not substituted any other in its place? whether, in a word, the following position be not as true, as it is extensive,—that there is no effectual method of connecting *distinct* nations, unless by making one depend upon the

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other: and therefore that two countries, which would be connected, and yet free,—can no otherwise obtain both wishes, than by Union.

"It is not the isle of Ceylon, or the Cape of Good Hope," it is not the success of British arms, nor the glory or prosperity of the British empire,—"that engage the attention, or interests of Ireland: it is for the preservation of her own idea of her *internal* freedom and constitution, *such as she expressed in her convention at Dungannon*, that she is interested in British wars."*

Is this the specimen you give, of Irish cordiality to Britain? is it from such positions you infer that the empire is already too well cemented, by the zeal of Irish loyalty and affection, to need any political arrangements, towards consolidating it more? Is it thus you demonstrate the improbability on which you rely, of Ireland's dissenting on the subject of war from Britain? yes, Sir, I can very well conceive that those, who are only solicitous to reduce to practice, the principles of a Dungannon constitution,—who, stoically indifferent to the fate of Parliaments and Princes, are only anxious for what they are pleased to call the liberties of the people,—who regard the legislature as the creature, and the populace as the creator, and would sacrifice government and good order, to the monstrous idol which they have set up,—I can well suppose that such may be "interested in British wars:" I should only doubt whether the interest which they felt was on the side of Britain: I should only doubt whether they would zealously co-operate with England, in putting down the very principles which they adored. In a word, (and to conclude my examination of this topic,) you seem to me not only to have failed to refute,—but to have strongly corroborated the reasoning of Mr. Pitt; who only insisted on the *possibility* of an event,—which all who admit your doctrines must consider as even *probable*, in a high degree.

You accuse the minister of "concurring with the men whom he executed, in thinking the Irish Parliament a grievance; and differing in the remedy only: they proposing to substitute a Republic; and he the yoke of the British Parliament."†

I shall not stop to condole with you on the fate of those unfortunate reformers, (the same whom a morning paper

* Mr. Grattan's words. † Ibid.

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has,—no doubt, erroneously,—represented you to have described as shedding their blood for their country, on a scaffold;) but shall proceed at once to assure you that Mr. Pitt does not think the Irish Parliament a grievance; and therefore proposes, that, after Union, the Irish Parliament shall remain: he only considers its distinctness as a mischief; which therefore he wishes to have remedied, by incorporation.

Neither does he intend "to substitute the yoke of the British Parliament," in the room of, what it is not long since you pronounced to be, the slavish yoke of the "Borough Parliament" of Ireland: his project merely is to defeat the machinations of separatists and traitors, by wresting a political weapon from their hands, and imposing the (to them) intolerable yoke of three well cemented imperial estates: his design appears to be, that from henceforth the representatives of Ireland shall contribute to enact laws which shall be binding upon Yorkshire;—and the Yorkshire Members to enact laws which shall be binding upon Ireland.

But see whether Union, instead of imposing, may not rather remove the yoke of the British Parliament. See whether connexion, and distinct independence, be not situations so incompatible with each other, that the settlement of 1782, unable to reconcile them, wisely sacrificed the latter in a great degree.

That Ireland is dependent on the British Crown—will be admitted: it remains, to inquire whether it is not consequently dependent on the British Parliament.

The Royal person is undoubtedly sacred: personally, the King cannot be called to account. But his government is subject to Parliamentary investigation,—by virtue of that principle, which renders ministers responsible for their measures.—Observe the consequence.

Carefully to preserve Ireland to the empire, is the obvious duty of the British cabinet: a duty, for the neglect, or breach of which, the ministers will be heavily responsible to the English Parliament. But our three estates cannot enact a valid law, without the act* and concurrence of a British Minister,—the servant of a British Parliament; and that minister, of course, will not validate any measure, which may draw upon him the displeasure of the legisla-

* Affixing the great seal.

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ture, to which he is amenable for his conduct. Thus, can we have any law against the will of the British cabinet? or is the pleasure of an English administration likely to differ from that of an English Parliament? British Ministers stand, themselves, beyond the sphere of our control; and should we even visit their defaults upon our own, such injustice would be as ineffectual, as it was cruel.

Thus Ireland, by the settlement of 1782, acquired merely the right of exclusively originating her own laws:*—but still, by virtue of the connecting principle of our constitution, (and without supposing any abuse or encroachment on the part of England,) we remained subject, through the minister, to the control of the British Parliament;—if subjection to the deputy be subjection to his principal: and every statute, which we have passed since that period, may be considered as a sort of charter, under the great seal of England, granted to this country by the King of Great Britain, with the tacit consent of the two other British estates, and at the petition of the King, Lords, and Commons of Ireland.

That dependence of this kingdom on the British crown, which is declared by the act of annexation, is either merely nominal, or it is real: if it be but nominal, then so is our connexion: and the two countries are at this moment in a state of separation; not held together by any principle whatsoever. If it be real, it involves a dependence on the British Parliament: a dependence, which is not the less substantial, for being indirect: and which puts us in a situation incomparably less free, than that in which we should be placed by Union; inasmuch as it lays us at the feet of a Parliament, which the constituent body of Ireland does not contribute to return.†

* A right most explicitly, and practically recognised by the British Minister's admission that the countries cannot be united but by mutual consent, and by virtue of two laws, one originating from the Irish, and the other from the British Legislature.

† It is true that it would be an *abuse* of this control, if the British Parliament should obstruct our right of self-legislation, or censure the minister for having put the great seal to any act, which did not threaten the connexion. But in the moment that Anti-unionists reply to my reasoning, by insisting on the liberality and equity of England, and the improbability of her abusing any influence which she may possess, they save me the trouble of refuting those other inconsistent arguments of theirs, which represent the danger that is to result to this country after Union, from Great Britain's abuse of that superiority which the relative number of her representatives is said to give.

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Of the soundness of this last mentioned principle, the Irish nation was fully sensible in 1782; and they recognised its truth in that very assertion, which I have heard perverted into an argument against uniting the countries. When our House of Commons represented to his Majesty in that year, that "the kingdom of Ireland was a distinct kingdom, with a Parliament of her own, the sole legislature thereof,"—they meant to allege their distinctness, as an argument against their being bound by the acts of a British Legislature; and the reasoning palpably implies this position, that the case would be different, if the countries were united: since in that case, the Irish people could not justly complain of being bound by the acts of a legislature, in which Ireland was adequately represented.

But, "instead of a constitution, which established peace in Ireland, Mr. Pitt revives a principle which produced war in America."* He speaks the same language with his sword in this country, which Lord North articulated, (with the same organ,) to the colonies; and the fabric which he builds in the room of that which he has destroyed, excludes the people, and extinguishes the constitution.†

The constitution which you thus regret, is the same which we enjoyed, (or, as you then thought, which we suffered,) when you wrote your address to the citizens of Dublin. The Catholics still groan under the same yoke which oppressed them at that time; viz. toleration the most perfect, civil freedom the most complete, and no inconsiderable share of political power. The legislature is still, as it was then, unreformed: more connected with the property, than with the turbulence of the country; and encumbered with the pompous impediment of a House of Lords, standing between us and the blessing of a Dungannon constitution.

The "peace" which that constitution has "established," we have all witnessed. The convention and gunpowder acts,—the insurrection bill,—the acts of indemnity and attainder,—are all testimonies, upon record, of a tranquillity,—which however received some temporary interruption in 1798: a tranquillity of which you now appear to be more sensible, than you were when you acquainted your constituents with the last ineffectual "effort," which your party

* Mr. Grattan's words. † Substance of Mr. Grattan's speech.

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had made "before the close of parliament, for the restoration of domestic peace;"* and insisted on the existence of a morbid and irritating cause, "which, till parliament should be reformed, must agitate this country for ever."†

But Mr. Pitt, "revives a principle, which produced war in America." When has Government adopted *any* measure, which did not recal the colonies to your mind? If I look into the parliamentary debates, in every chart of your political discoveries, I find America to occupy the greatest space. In your address, I find you ringing her story in our ears. To the continuance of the system, to which Union would put an end, you then opposed the warning example of America.‡ To resist the Union which is resorted to for the correction of that former system, America is the ground on which you choose to stand. It is the Othello's handkerchief, with which you reply to arguments, and facts,—and record your incurable jealousies of England.

From a loyal member of parliament, I am surprised to hear this monotonous and incessant din: to the mouth of a separatist such language would be very suitable. The syllogism would run thus:—The conduct of Great Britain justified America in separating herself by force: but England is pursuing the same conduct towards this country; therefore Ireland would do well to separate from Great Britain.

But the fabric which, with that *vox ferrea*, the British sword, Mr. Pitt now calls on these two countries to build, "excludes the people; and extinguishes the constitution."§

These positions are neither obvious, nor unimportant enough, to warrant you in assuming them, without entering upon any proof; and I for my part must take the liberty of disputing both.

How does the minister's scheme exclude the people? not by increasing the relative quantity of county representation; and diminishing the number of those borough members, who, you have told us, do not *form*, but *exclude* the legitimate commons; subverting the constitutional law-

* Mr. Grattan's address. † Ibid.

‡ "We saw the ministry pursue that very plan towards Ireland, which they regretted they had not resorted to in the case of America; viz. acceding to the American claim, and then re-establishing British dominion, by influencing the American Assembly."—Mr. Grattan's Address.

§ Mr. Grattan's assertion.

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giver, *and working the people completely out of the lower House of Parliament.** Not by increasing the value and influence of the elective franchise, in the hands of the great Catholic body of the people; who, it will not be denied, must have an incomparably greater share in contributing to return the county, than the borough representation.

How then is the consequence to be produced, which your foreboding mind deplores? By the effect which the measure will have on Catholic claims.

Let us observe what will be its operation upon these. So far from depriving them of one atom of their present privileges, it will secure to them their perpetual enjoyment; leaving them consequently and irrevocably possessed of the inference which some of their advocates deduce; viz. that their having acquired so much is a reason for granting more: while, at the same time, neither the principle, nor any of the articles of Union, will directly bar their claims; or pronounce expressly, or by the remotest implication, that the Catholic body shall obtain nothing more.

Therefore, we can only estimate the effect of the measure on their prospects, by comparing the favourable chances which their present circumstances produce, with those which must result from the situation in which they would be placed by Union.

To what principle do the adversaries of Catholic pretension refer their opposition? They insist on the danger to which the Established Church would be exposed, by putting power into the hands of a sect, which greatly exceeds our Protestant inhabitants in number. This is an obstacle, which I have your authority for asserting that Union would remove: you state Catholics to be to Protestants, at present, in the ratio of three to one; and that after Union they will be as one to four; and this statement involves an admission, that the measure would improve their hopes, by removing an argument which is now urged against their claims.

They have submitted their pretensions to the legislature of this country; and their application has not been attended with success. The removal of every incapacity attached to their religion, was one of the principal measures which you wished to carry; and your address informs them that you quitted Parliament, in despair of succeeding.

* Mr. Grattan's address.

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Have the Catholics any good ground for expecting—that the sentiments of the Irish Legislature will become more favourable to their claims? The Corporation of Dublin is not less adverse to them, than to a Union. The city representatives, the Speaker, and several other loyal members of the present opposition (of whom I should not do justice to my own sentiments, if I spoke otherwise than with respect,) have not I believe expressed any strong opinions in favour of Catholic pretensions; nor given that body reason to suppose, that, if the present measure were lost by the resistance of Protestant ascendants,—the same powerful influence which rejected Union, would bestow political privilege upon them.

Therefore, as Union would refer their claims, not to that legislature by which they have already been rejected,—not to a "borough Parliament," before which you despaired of ever succeeding,—but to an unprejudiced tribunal, which has delivered no opinion, and would hear the claimants under circumstances more favourable to their petition,—it seems to follow that the measure must improve their views: and the liberal concessions which have been already made to that body,—the foundation of the seminary at Maynooth,—the supposed project of connecting with a Union, some proper support for the Roman Catholic clergy, and some system of regulation for their church,—all tend to shew that government is not bigotted against that religion; but that those who profess it, will have the full advantage of all arguments which may result from Union, in favour of their demands.

Neither Protestants nor Catholics should forget what happened in the reign of Anne. They should recollect that the enaction of that penal code, which has been repealed by the liberality of modern times, took place after an ineffectual attempt, on the part of Ireland, to obtain that Union,—which is now resisted with so much violence, and so little reason. This fact records the opinion of the legislature in those days, that the incompatibility of Catholic power with Protestant security—was an effect, produced by our distinctness, and which consequently Union would remove.

But let us dismiss the numerous arguments, which offer themselves to prove that this measure is favourable to the prospects of the Roman Catholic; (and favourable, without furnishing ground of jealousy to the Protestant; since the

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only way in which Union can promote Catholic views, is by rendering the Established Church impregnably secure:) I say let us waive those arguments; and merely assume what cannot be denied, that the measure will not diminish their present grounds of expectation. The natural inference seems to be, that they should examine the other consequences which Union will produce. That they should look beyond the mere subordinate concerns of their sect; and recollect that by being Catholics they have not ceased to be Irishmen,—deeply interested, as such, in the prosperity of this country. Those advantages, which will result from the restoration of order and tranquillity,—the security of property—and introduction of British capital, industry, and adventure,—while they accrue to all the inhabitants of Ireland, must be especially beneficial to the Catholic body; inasmuch as these form the great mass of our people. Thus their real weight and consequence would be augmented, even though their political privileges should remain the same; while the measure which thus added to their prosperity, would do so without at all lessening their hopes.

But how does Union operate to exclude the Catholics? By making them one to four; instead of being three to one.* Their admission to Parliament you seem to speak of as a likely event; (though your object is to stimulate their prejudices against a Union,) but why (say you) will they become admissible? Because they cease to be any thing: because their relative proportion being destroyed, their physical consequence is extinguished for ever. Under such circumstances, their admission will be of little avail.†

I hope these maxims are not illustrative of your principles: I am sure they are deserving of serious attention. They seem to mark it as your opinion, that unless Catholics be left formidable, they should not deign to be free; for that they cease to be any thing, when they cease to be dangerous to the Established Church. The Catholic individual, who acts upon your doctrines,—must not consider himself as an unit,‡ nor yet as an Irishman. He must neither be content, upon a comparison of his condition with that of any single Protestant, to find the amount of his constitutional privilege to be the same; nor yet must the corps to which he links his interests, and holds himself inseparably to belong, be the general population of the empire in

* Mr. Grattan's Speech. † Ibid. ‡ Ibid.

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which he lives. No! this would be to admit the detestable principle of Union; and violate the distinct independence of his church, by identifying its interests with those of the established religion. All is lost, unless the two varieties of Christianity be preserved in a state of reciprocal estrangement, and, as it were, electrical repulsion. Every Catholic of your school must, on principle, be a sectarian. *Ita se quisque extollit, ut deprimat alium:* he insists on being equal in political rights to the Protestant; and that his sect shall be far more numerous than the members of the established church. Before he will pronounce that he is satisfied with his condition, he examines the muster-roll of that Catholic body, which his system represents as drawn out in hostile array against their Protestant fellow subjects; and if the ratio be three to one, he is content. But to alter or impair this relative proportion—would be to extinguish for ever the physical consequence of his sect; and prevent it from so practising the prudent system of "annoyance," as to keep the established religion properly *in check*.

I call upon the loyal Catholics, (a very respectable, and I believe numerous description,) to disclaim arguments which—by implying that the freedom is not worth accepting, which is rendered consistent with the safety of the established church,—must excite every friend to order and good government against their claims: doctrines which teem with confusion and alarm; recommending to yield, not to the justice of the claim, but merely to the violence and number of the claimants; and concede to that *vis consili expers*, which threatens an abuse of the powers that it extorts: doctrines, which may be thought to extend privilege to the Catholics, not from liberal motives, or veneration for the different branches of the Christian faith; still less as an encouragement, or reward to loyal conduct; but because power in the hands of a turbulent and unenlightened multitude, might be converted to an instrument, for propagating those principles, which (to the ruin of Catholic, as well as Protestant freedom, property, and security,) would form a constitution of Dungannon fabric: doctrines, in a word, which place the dignity of the Catholic on the same respectable footing with that of those northern tribes, (possessed of all the physical consequences which numbers give,) who overturned the Roman empire, extinguished the liberal arts, and for ages involved Europe in the gloom of ferocious barbarism.

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But "Union is not only an exclusion of the people: it is also an extinction of the constitution."*

This last is a very material and relevant position: and if well founded, should decide every Irishman against the measure which you use it to oppose. But where are your proofs? You have not adduced one. Is it becoming to enter the lists, on such an occasion as the present, armed for the combat with nothing better than a dogma? a weak, subversive, and refuted assertion? You cannot deny that this measure meets with countenance from much of the property, the intelligence, and virtue of the country; and you flippantly allege that the plan which they thus zealously support, so manifestly extinguishes the constitution, —that you will not waste time in proving so plain a truth! This you state, *en passant*, as the effect of a measure, which I, on the contrary, in my conscience believe to be that, which since Ireland was a country, has received the most honourable and disinterested support: and been encountered with the most corrupt and selfish opposition.† You told your constituents in 1797, that they had no constitution:—that for an honest man to sit as a representative in Parliament, was to banter the abused people with an empty, ineffectual, and delusive form:—and now, when you assert the value and dignity of the Irish Commons, and protest against the surrender of a constitution, which you so lately declared we had not to surrender,—you seem to think that this inconsistency requires no explanation. After the termination of a long and formidably threatened insurrection, which spoke in a voice of thunder the precariousness of our situation, when the royal wisdom calls on parliament to profit by experience, and prevent a repetition of the dangers which they have escaped,—so far from deciding, you will not even deliberate; but, under the shelter of a constitutional etiquette,‡ (suited to circumstance less emergent and extraordinary than the present,) you tell his Majesty that he has broken the compact between King and people, and proposed to us an absolute surrender of our constitution. A nobleman, whose important services to his sove-

* Mr. Grattan's words.

† It is almost unnecessary to observe that I qualify this assertion with those exceptions, which a respect for Parliament, and a regard for the rules of decorum, and of truth enjoin. I am *sincere and serious*, both in laying down the position, and admitting the exceptions.

‡ Which considers the speech from the throne as the speech of the minister.

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reign have shed, even on the ungrateful separatist, a portion of that lustre which they procured for the empire, avows himself ambitious to close his honourable career, by giving prosperity to Ireland, and security to that empire: but you tell him, that to do this would be to subvert our constitution. The House of Lords (I believe unanimously,*) proclaim their concurrence with the royal views, and you (constructively voting them an useless estate) pronounce the scheme—of which they have expressed their approbation—to be a plain surrender of the constitution.

"Nineteen of the principal counties of Ireland—all the great commercial towns, Dublin excepted,—five-sevenths of the country in local extent,—and much more than that proportion in property,—have called for the discussion of the measure,—and the majority of them have expressed their conviction that it is a beneficial one;"† but this opinion you encounter with an unsupported, unargued assertion; and tell them without periphrasis, or ceremony, that they are all traitorous subverters of the Irish constitution. I shall not say whether such language tends to excite indignation; but I am sure it is not calculated to produce conviction. Nay, mortified at perceiving the change of public opinion,—enraged to find those prejudices subsiding, which alone concealed the weakness and deformity of their cause, —your party attempt to brand, with the title of apostates, all those who have listened to reason, or reflection: who have magnanimously retracted an hasty opinion, and preferred encountering the obloquy of a faction, to working the injury of their country.

Repugnance to Union was a sentiment which, when the measure was first stirred, it was excusable if not laudable to entertain: a transient sentiment, dictated by that national spirit, which even in its excesses, inspires us with respect. But it is the boast of an upright man to renounce an error; and the privilege of a rational creature to discover truth. When I read the able publications to which this question has given birth,—when I observed the temperate and conciliating conduct of the sister country,—and above all when I considered the utility of the measure itself, —too manifest to be long unnoticed, or unacknowledged, —I trusted that the public sentiment would change,—and

* Certainly by an immense majority.

† Speech of Lord Castlereagh, on Wednesday Jan. 15, 1800.

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never shall concur in disparaging those persons, whose only fault is their having fulfilled my hopes, by yielding to conviction: nor shall I on the other hand dissemble my contempt for those, whose objections to Union are still unremoved, because not having arisen from the transient feeling of a generous mind, they must endure as long as the corrupt and selfish motives from whence they spring. You have quoted Tacitus—in answer to some doctrines of Mr. Pitt: he is a writer of great and merited authority, particularly estimable for his just reflections; and has somewhere sketched the character of that obstinacy, of which the Anti-union Inflexibles are so vain. *Ea est in re prava pervicacia: ipsi fidem vocant.*

But, to return to the subject from which I have digressed, —your assertion, that Union subverts the constitution, is not only altogether unsupported, but fraught with implications the most dangerous and subversive. The articles yet unsettled, and unknown, you encounter the mere principle in its most abstract form: and pronounce, that, under whatever circumstances, and upon whatever terms, to incorporate with England, would be to surrender our constitution: at least that it would be so, unless Ireland were, (in violation of every principle of policy or justice) allowed to send as many representatives to the Imperial Parliament, as were returned by England; notwithstanding the superior wealth, extent, and population of this latter.

Now I defy you or any man to support this extensive proposition, without at the same time establishing a principle, which will, if admitted, invalidate the Union that early in the present century incorporated Scotland with England.

Yet if that Union was invalid, (which undoubtedly it was, if your principle be a sound one,) his Majesty possesses no dominions north of Berwick; and the acts which have passed at Westminster for the last ninety years are the mere usurpations of an illegal assembly. Thus the operation of the principle on which alone you can support the assertion that you have made, is at once to cancel one of the title deeds by which the King holds his crown; and to turn the statutes of the British Parliament for near a century to waste paper. Yet amongst them we meet those proceedings with respect to Ireland, which constitute the solemn compact of 1782, whose finality has been so perversely made an argument against Union.

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Or if you grant that the lapse of ninety years may, by this time, have given a lame title to his Majesty, and infused a portion of efficacy into the laws passed in the United Parliament; and that the acquiescence of Scotland may at length have cemented into something of solid and regular establishment, that originally unconstitutional and incoherent mass, which, with the aid of some Scotch statesmen, of no better reputation for knowledge or integrity than himself, the ignorant Lord Somers had put together, (Lord Somers who had already exposed his arbitrary principles, in a work of his, commonly called the Bill of Rights;) I say supposing you admit all this, yet surely you will vindicate the memory of those heroes, who before any prescription had yet arisen, to sanctify the subversive act of incorporation, took arms in 1715 for their liberties, and their prince; and shed their blood for their country, *on the scaffold and in the field!* Nay, a casuist might even doubt whether in 1745 the settlement had become sufficiently rusty to be entitled to allegiance; and whether those were rebels who fell at Culloden, and Tower Hill.

This reasoning, I confess, has been urged by me before; and I ask my reader's pardon for the repetition of what seems to me to have some weight, and has never been refuted.

The inference which I would draw from it is this:—not that any should support Union, who thinks it an impolitic measure: but that those who resist it, should substitute argument for assertion; and should also cease to found their opposition upon doctrines subversive of the most settled principles, and savouring of treason to the King and constitution.

The topic which I have been last treating leads naturally to one, which has been so very amply discussed already, that it is far from my intention to enter deeply on it now: a topic which you flutter round, and occasionally touch, but on which you are too circumspect to dwell: I mean that competence of Parliament, which as you could not venture to controvert directly, it may be doubted whether you were quite candid in impeaching by implication.

This competence is so obvious, that I believe I may even claim to have demonstrated it myself. As for ability, there was no opportunity of displaying any; but as it requires no talents to shew that two and two make four, it suited well with the mediocrity of mine, to undertake the proof of an

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almost equally evident proposition. Humble however as my pretensions are, I am too proud to boast of having succeeded in establishing that, which it would be disgraceful to the youngest man of my profession even to doubt; and which, if a person of the first legal reputation should deny, I might be in suspense as to whether he was ignorant or insincere, but I must pronounce him to be one or other in an eminent degree. Therefore, instead of exulting at having accomplished a task on which superior men would scarcely deign to enter,—instead of being vain of having merely repeated the alphabet of our constitution,—I blush to have been obliged to instruct those who should have known better, in the accidence, and elements of the government under which they live: and my excuse for having undertaken so childish an employment must be found in that clamorous and decisive denial of legislative sovereignty, which I am sorry to think issued from an Irish bar, and even found its way into an Irish House of Commons.

Without presuming to do any thing so fulsome as to quote myself, I trust I may be permitted to decline repeating here those arguments which I have already submitted to the public. I shall therefore merely beg to be informed by the anti-union sages of the law, what Lord Coke means by pronouncing the power of Parliament to be "so absolute as it cannot be confined within any bounds?" or Blackstone, by declaring it to be "entrusted with despotic power, by the constitution?" How this latter is to be construed, or his authority evaded, when descending to particulars, he lays it down that the legislature may, without exceeding their legitimate powers, "change and create afresh the constitution of this kingdom, and of Parliaments,—as was done by the election statutes, and the act of Union?"

I should moreover beg to know whether that sovereign-subject the mob, (on whose physical consequence the deposed Parliament is ordered, as in a sort of political Saturnalia, to attend,) be by the more every day rules and principles of our government, allowed to legislate otherwise than by exercising the elective franchise? and consequently whether we can limit the constitutional authority of Parliament, without abridging the *merely commensurate* powers of the nation, of which the sole and *exclusive repository* is Parliament?

The above queries are all so easily answered, that I am tempted to trouble these legal incompetents with a few

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mere; and inquire, with all due deference, whether it makes part of their lately-discovered pandects, that the House of Lords should be entirely abolished? or if not, whether we are to recal our tribunes from Fort George,—to carry up to the Peers, for their concurrence, those plebiscites, which may pass by a majority of millions in our new Commons,—our very deliberate, and enlightened multitudinous estate?

I might also, for the benefit of puzzle-headed incompetents, distinguish the present from a widely dissimilar question; and observe that we are inquiring whether Parliament be the constitutional sovereign; not whether the powers of sovereignty may be abused. Undoubtedly they may; and to a degree so flagrant, as to warrant insurrection. But this holy right (as I think the French have called it) of revolt, I take to be rather an extra-constitutional remedy; and I doubt whether any precedents could be found, of a plea of justification to an indictment for high treason. We are not, on such extreme, and (if I may so express it) intentionally unforeseen occasions, to be hunting for cases in point, in the records of our constitution; or losing the precious moments in argument, or declamation:

> ——"*non replenda est Curia verbis:*
> *Imus in adversos: quid cessas? an tibi Mavors*
> *Ventosâ in linguâ?*"

Meantime, while we are perambulating the limits of parliamentary authority, and inquiring whether they be competent to accomplish any given measure, we are bound, as has been well observed,* to admit the merits and expediency of that measure. And indeed this postulatum imposes no mighty hardship in the present instance: since we are only required to admit a measure to be expedient, which has been recommended by the King,—deemed necessary by one Parliament of the empire,—approved of by our upper House of Legislature,—its principle constructively acquiesced in by the other,—and which is called for by a great proportion of the territory, population, landed and

* By Lord Minto. I cite this very fair and judicious observation, because I have no where met with it except in his Lordship's speech. In other instances, where he has with a close and accidental coincidence, urged the same arguments which I had used before, I have thought it unnecessary to quote his Lordship's reasoning; since this would have been an indirect way of referring to myself.

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commercial interests of Ireland; all desiring that it may be discussed, and most that it may be carried. And, if any doubt of the public sentiment should still remain,—it cannot, however, fail of being effectually collected, on the return of those writs which have been lately issued,—under the signature of two respectable peers, who (by a sort of topsy-turvy and newly-invented political sleight of hand,) being transformed into the representatives of eight and thirty members of the other house, have annexed to the letter, which they circulate in order to collect the unbiassed sentiments of the people,—a ready-made opinion of their own: a proceeding calculated to relieve the numerous class which they address, from a task for which they are so ill qualified as that of deliberation; and which discreetly avoids proposing questions to those, whose answers would be any thing but *Responsa prudentum.*

We are to swallow then for a time, (just for argument sake) our indignation at this abominable, parricidal, &c. &c. measure,—which Molyneux thought there was no danger would be ever imposed on Ireland;* and are to inquire whether Parliament be competent to achieve it, supposing it were less impolitic than it is. We are to put the monstrous and absurd hypothesis, that there might be some supposable circumstances under which a Union, on some supposable conditions, would be expedient for this country; and are to inquire whether Parliament would, in such a case, be competent to procure an acknowledged benefit for the nation. Undoubtedly they would: unless to obtain a public good—be to subvert the constitution; and, by the mere diffusion of prosperity, to justify revolt.

"As a series of appeals must be finite, there necessarily exists in every government, a power, from which the constitution has provided no appeal; and which power, for that reason, *may be termed absolute, omnipotent, uncontrollable, arbitrary, despotic;* and is alike so in all countries. The person, *or assembly, in whom this*" (omnipotent) "*power resides, is called the sovereign, or the supreme power of the state.*"

"Since to the same" (arbitrary) "power universally appertains the office of establishing public laws,—*it is called also the legislature of the state.*"

* "This," (says Molyneux,) speaking of an incorporate Union between Great Britain and Ireland, "is a happiness we can hardly hope for."—*State of Ireland*, p. 37.

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"A government receives its denomination from the form of the" (despotic) "legislature; which form is likewise what we commonly mean by the constitution of a country."

"Political writers enumerate three principal forms of government. These are, first absolute monarchy, *where the*" (omnipotent) "*legislature is in a single person:* secondly aristocracy, *where the*" (same uncontrollable) "*legislature is in a select assembly;* the members of which succeed to their places in it, in respect of some personal right, or qualification: and thirdly democracy, *where the people at large*, either collectively, or by representation, *constitute the*" (still despotic) "*legislature.*"

These three, "however, are rather to be understood as the simple forms, by some combination or intermixture of which, all actual governments are composed, than as any where existing in a pure and elementary state."

Unless, (let it be observed) the doctrine of parliamentary incompetence be well founded: for if it be, then simple uncombined democracy—is the actual established government of Ireland.

"A mixed government is composed, by the combination of two or more of these simple forms."* That is to say, the legislative power is not lodged exclusively with a single person,—a select assembly,—or the people at large, but, (still possessing its *essential* character of omnipotence, unabated,) is distributed in portions, amongst some or all of these various interests in the state.

Thus the merits of the measure being admitted,—it being assumed to be a good one,—the question is, whether our Parliament be competent to obtain it? or in other words, (if Archdeacon Paley be right,) whether that omnipotent, uncontrollable, despotic legislature, which constitutes the sovereign power of our state, be possessed of authority sufficient to attain the ends for which it was established,—by procuring the happiness of its subjects;—that primary object of all political institutions? To such a question, I am not afraid to answer in the affirmative.

But let us, with reference to the present question, proceed to see what further has been said by this same writer, of the British Constitution: "The government of England," he describes, "as formed by a combination of the

* Paley's Principles of Moral and Political Philosophy, book 6. chap. vi. I have quoted verbatim from this writer, making no change, unless by the occasional juxta position of sentences, which are separate in the work.

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three regular species; the monarchy, residing in the King; the aristocracy in the House of Lords; *and the republic being represented by the House of Commons.*" He afterwards proceeds "to inquire in what manner *the constitution has provided for its own preservation*; that is, *in what manner each part of the legislature is secured* in the exercise of the powers assigned to it, *from the encroachment of the other parts.* This security is called *the balance of the constitution*; and the equilibrium consists in two contrivances,—a balance of power; and a balance of interest. By the former is meant, that *there is no power possessed by one part of the legislature, whose abuse, or excess, is not checked by some antagonist power, residing in another part.*" With respect to "the House of Lords, the proper use and design of this part of the constitution, are" (amongst others) "the following. Large bodies of men are subject to sudden phrenzies. Opinions may be circulated amongst a multitude, without proof or examination; acquiring confidence and reputation merely by being repeated from one to another: and passions founded upon these opinions, diffusing themselves with a rapidity, that can neither be accounted for nor resisted, sometimes agitate a country with the most violent commotions. Now *the only way to stop the fermentation, is to divide the mass*: that is, to erect different orders in the community, with separate interests. And this may, occasionally, become the use of an hereditary nobility, invested with a share of legislation;—*namely to stem the progress of popular fury.* Averse to those prejudices, which actuate the minds of the vulgar,—accustomed to contemn the clamour of the populace,—they will oppose resolutions, which are founded in the folly and violence of the lower part of the community. Was the voice of the people always dictated by reflection, I should hold the interference of a superior order, not only superfluous, but bad. *But when we observe what is urged as the public opinion, to be in truth the opinion only, or perhaps the feigned professions of a few crafty leaders*; that the numbers who join in the cry, serve only to swell and multiply the sound, without any accession of judgment or exercise of understanding; *and that oftentimes the wisest councils have been thus overborne by tumult and uproar,*—we may conceive occasions to arise, in which the commonwealth may be saved by the reluctance of the nobility to yield to the vehemence, or adopt the caprices, of the common people.

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"The constitution is one principal division of the code of public laws; distinguished from the rest, only by the particular nature, or superior importance of the subject of which it treats. Therefore the terms *constitutional* and *unconstitutional* mean *legal* and *illegal*. The distinction, and the ideas, which these terms denote, are founded on the same authority with the law of the land upon any other subject; and to be ascertained by the same inquiries. The system of English jurisprudence is *made up of acts of Parliament*, decisions of courts of law, and immemorial usages; consequently *these*" (legislative acts, &c.) *are the principles of which the constitution itself consists*: the sources, from which all our knowledge of its nature and limitations is to be deduced; *and the authorities to which all appeal ought to be made, and by which every constitutional doubt and question can alone be decided*. This plain and intelligible definition is the more necessary to be preserved in our thoughts,—as some writers upon the subject *absurdly confound what is constitutional with what is expedient: pronouncing forthwith a measure to be unconstitutional, which they adjudge in any respect to be detrimental. An act of Parliament, in England, can never be unconstitutional, in the strict and proper acceptation of the term.*"*

I shall make no apology for the length of an extract, which contains so many just and applicable reflections, and which is highly pertinent to my general subject; besides suggesting the following observations, more peculiarly belonging to the topic which we are upon.

First, if the government, under the theory of which we live, be British,—and if we be to look to acts of Parliament for the principles of our constitution, making them the authorities to which in doubtful cases we should appeal, —and if no statute can, properly speaking, be unconstitutional,—then the question of parliamentary competence has been repeatedly decided, by various acts which have passed: acts operating as material, (though not similar) changes on the constitution, as those projects of reform would have produced, which you supported, without expressing any doubt that Parliament was perfectly competent to adopt them: and lastly, the Scotch Union supplies us with a determination so accurately in point,—that the Anti-unionists should now follow the advice of Mr. Paley.

* Paley's Principles of Moral and Political Philosophy, book 6. c. vii.

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They should oppose the measure to which they are so hostile, on the mere ground of its impolicy: and abandon their objections to it as unconstitutional; leaving his Majesty in quiet possession of his crown, and renouncing that vile doctrine of parliamentary incompetence, which robs the peers of their share of legislation, and appeals from the deliberations of the legislature, to the opinion of a few crafty demagogues, echoed by an ignorant and tumultuous populace. Indeed thus to retract is the more incumbent on them, because strange as it may seem, it is very certain, that while they are resisting those legitimate prerogatives of the legislature, the exercise of which may bring about a Union, they are at the same time (in order to defeat this useful measure) attempting to push the authority of Parliament beyond the only limit, which has been set to it by the constitution. A legislature may do every thing but encroach on the omnipotence of that which is to succeed it: but in setting up the acts of the Irish Parliament in 1782, to control the powers of that which is now assembled, they make this vain and unconstitutional attempt; acting in the very teeth of my Lord Coke's position, that "though Parliaments have attempted to restrain subsequent Parliaments, yet they never could effect it;" for "acts against the power of the Parliament subsequent, bind not."*

I have now done with this subject, I trust for ever; and probably should not have said so much upon it, if it were not for my hearing, what it is very difficult to believe,—that an eminent member of that profession to which I belong, (and which is supposed to imply some knowledge of the law of the land,) intends, by supporting an opinion which not only contradicts the maxims of our constitution, but is repugnant to the first and essential principles of all government, to run a risk which would not be ventured by a man of less reputation; and evince satisfactorily to the public, that his dispositions are enterprising, and that his character is well established.

I shall now, Sir, proceed to other topics; and though I may occasionally allude to your printed speech, will henceforth rather consider the question which you have treated, than investigate the arguments which you have used.

The question is whether a Legislative Union of these islands, on just and liberal terms, would be compatible with

* 4th Institute, p. 43.

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the freedom, and conducive to the prosperity of this country. Whether such an incorporation would not, under any circumstances, and upon permanent and unalterable principles, be desirable; and whether, from our late calamities, and present prospects, that is not become necessary, which must at all times be expedient? This question I answer, on my conscience, in the affirmative; and towards proving my opinion, the only *datum* which I require is this, that the connexion between the countries is requisite for the welfare and security of both.

Sir, I shall not condescend to notice that vain sophism, as mischievous in its object, as weak in its effect, which insulting the principles, and good sense of those upright men who support Union, untruly states the question to be this, whether we should give the preference to liberty or connexion; and whether it be of the essence of this latter that Ireland should not be free. I am grieved to find so paltry an assertion intruding itself into the arguments of a man whose talents I have too much discernment not to admire. I am grieved to find *him** so blinded and misled by party, as not to see that it is impossible for this to be the question; considering the part which has been taken by those, of whose integrity he cannot—I will repeat it—*cannot* doubt: I grieve to find him hurried away by a generous prejudice so far—as to overlook a truth, which in calmer moments his good sense must recognise; viz. that there is an independence proper to Union, as well as to distinctness; and that every portion of a state is free, where each part is independent of every other; though all the parts depend upon the whole.

No man of common sense will (with the expectation of being believed) deny either one or other of the following positions: *first*, that since these islands are members (even by anti-union hypothesis) of one empire, it would reconcile the practice with the theory, and contribute to imperial solidity, that they should be governed by one legislature; or in other words that the state should be under the dominion of one Sovereign. *Secondly*, that if instead of altering an old fabric, we had to erect a new, we could not, without the most manifest desertion of ordinary and established rules, assign to Ireland a proportion of representatives in

* See Mr. Bushe's printed speech.

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the common Parliament, equal to the number of those returned by a member of the empire exceeding this in population, resources, and extent; and we should despise the blundering pertness which, in pronouncing that Ireland was enslaved, by returning fewer representatives than were sent by the greater limb of the empire, would in fact imply that Irish freedom could by no means be secured, unless by repealing that very ancient law of Nature, which has enacted that a part shall not be equal to the whole.

Is Ireland content to be a part of the empire? The Anti-unionists answer *yes*;—but their reasoning whispers *no*.

If she be, let her submit to those consequences which must, by the immutable laws of nature, arise from the fractional situation that she has chosen. She must remove the cause, if she would get rid of the effect. The being connected is the cause; and its removal will be separation.

I am tempted to illustrate this part of the inquiry, in a way which if my readers should think unsuitable to the gravity of the subject we are discussing, I might justify, by observing that it is difficult to give a serious answer to a silly argument.

Let us suppose that Cornwall, professing to be an integral part of the British Empire, should however have a distinct Parliament of her own, which it was proposed to incorporate with the principal legislature of Britain. We agree, say the Cornish men, to the principle of incorporation: it remains to know what are to be the terms: how many members shall this district send to the United Parliament? A number, replies the minister, proportioned to its resources, and situation: for example, forty-four commoners. Instantly the patriotism of Cornwall is up in arms. Forty-four members to the House of Commons! this will be a mere merger of the Cornish Parliament! an absolute extinction of our independence! Shall we thus surrender our constitution? Cornwall, the country of the long-lost Arthur! Cornwall, the primary seat of civility in Britain; whose tin-mines were worked, Lord knows how many centuries ago, by the Phœnicians!

It cannot be doubted that such strong reasoning would make a due impression, and prevail upon the British administration to allow that Cornwall should return five hundred and fourteen members to the Imperial House of Commons, (this being the sum of British representation:) that

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she should also thrust every peer she could lay her hands on into the House of Lords; and that from the day of Union no title of nobility, appendant to any other district, should be conferred, without at the same time creating a peer, who should take his title from some territory in Cornwall.

Matters thus arranged, and the united Commons, to the number of above a thousand being assembled, they are alarmed to receive a petition from Derbyshire, insisting upon the loyalty and antiquity of that district,—as long above water, and as well stored with fossils, as any other part of England,—praying the benefit of the Cornish principle,—and that the number of its members should be increased from four to a thousand and twenty-four, so as to balance the residue of British representation, and secure the endangered liberties of Derby.

Under these circumstances I can conceive an enlightened statesman to get up, and warn Parliament how they proceeded farther on a principle, which led to greater embarrassments than perhaps were foreseen. That every county might come forward in succession, and claim the operation of this rule, with as much ground as could be alleged on behalf of Derbyshire or Cornwall: that meantime the representative body would increase, like the price of the horse which was sold at the rate of a penny for the first nail in his shoes, and of making the price of each succeeding nail double that of the one before; till at length there could be no more representatives, for want of more constituents; and the population of Britain would not suffice for the supply of her enormous parliamentary reservoir.

Those who can deride this principle, in the imaginary case of Cornwall, might do well to consider whether it be not the very same which they are setting up so loudly on behalf of Ireland: whether those who object to Union, because our representatives will be less numerous than those of Britain, are doing more than imitating the Cornish claims; and whether their objections can grow less absurd, unless it by becoming more mischievous; and demonstrating the expediency of separation.

I, for my part, am a sincere friend to the connexion: I have ever been so. But I would suit my practice with my principles; and not rant about my regard for that, which my conduct manifestly tended to dissolve. On these grounds it is, that, for now a series of years, and uniformly since I

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have sat in Parliament, I have supported every important measure of government, except the rejection of the Roman Catholic claims. I have done so, not only without being connected with administration, but without seeking or possessing that intercourse with them, which usually subsists between government and even the humblest of its supporters. Scorning to refute the misrepresentation of those, who described as a member of opposition, (and who have betrayed me into this short egotism, by presuming lately to speak of me as a man who had changed my principles,) I contented myself with resisting parliamentary reform: with supporting the Insurrection Bill, and opposing its repeal: with concurring to suspend the Habeas Corpus Act: with indemnifying those who had transgressed the law to save the constitution: with visiting the crimes of the traitor on his descendants: with strengthening the hands of government to an unprecedented degree: with not deserting my post in Parliament to the last. In short, I fought for the connexion, and was not unwilling to let others receive the reward.

But I never ceased to deplore the necessity of that rigour, which I supported; and I now act not only consistently, but (if I may so express it) consequentially, in being the advocate of a system which will keep the empire entire, compatibly with those free principles, that we have hitherto been obliged to sacrifice very largely to its preservation: a system which will trust the security of British connexion, not to penal statutes, or military control; but to the milder yet more effectual influence, and widely diffused blessings of the British Constitution.

I do not know whether what I ask pardon for having taken the liberty of saying about myself, goes to prove that I have those claims to credit and attention, which consistency and independence may give to a humble man; but it will at least suggest a reply to those, who in fact do not deserve an answer, when they ask whether this be a moment to propose Union? Now, when the country, languid and exhausted, is yet panting from her efforts in the late rebellion! This is not only wretched argument: it is miserable declamation: it amounts in fact to this monstrous position, that it is not when a knot is loosened we should make it fast: that having traced to its source a danger from which we have narrowly escaped, and which as long as that source is open, will be likely to recur, we should not be in any

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hurry to remove the cause which we have thus detected; although the next effect which it produces, may be mortal. Such reasoning proves nothing, or it demonstrates this:—that a prosperous situation it may be expedient to change; but that it would be highly imprudent to modify a system, of which the natural produce seems calamity and discord.

But indeed the Anti-unionists take such various grounds, that it would be difficult to encounter them with effect, if it were not that this dissension supplies a general argument against them all. *One* admits that the measure which he resists might be very expedient under certain imaginary circumstances; to wit, those in which according to *another* Anti-unionist we now stand. Thus, fortunately for their antagonists, the Anti-union batteries are so disposed, that they fire upon each other, and do great execution. The Speaker, for example, Sir, does not agree in your picture of this country, as "reduced by a train of calamitous measures, to religious divisions, and the condition of a conquest."* He of course cannot describe this as the tendency of measures, which originated from a cabinet of which he made one. No: that sagacious statesman deriding the puny efforts of separation, and penetrating those scenes of blood and havock which obstruct the views of such inferior politicians as myself, sees nothing round him, but prosperity and peace: the most solid blessings in our actual possession, and the fairest prospects for times to come! Indeed so happy are we, that as he has expressed it in a homely way, we should ask nothing of England, but that she would let us alone.† What is so apparent to that gentleman, I freely confess myself unable to discern; but I much prefer his inference to yours; and should rather decline tampering with a prosperous condition, than with one which I had described as wretched in the extreme.

I support Union—from my regard to the connexion; which in my opinion can no otherwise be secured. If I were a dabbler in reform, and received proposals for constitutions, as some do, I should say British connexion is my fundamental principle: design me a plan as excellent as you can in other respects; but above all let your establishment be one which I can erect on this foundation. If

* Mr. Grattan's Speech.

† If my memory does not deceive me, these or similar expressions occur in the Speaker's Speech.

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any wise man should set to work in 1800 with these directions, the plan which he must present, would be a Legislative Union.

If it be asked, in what consists the good which Union will accomplish? I point, with Mr. Pitt, to the evils which it will prevent: to the security which it will (including Ireland) give the empire. The grand benefit which will result from the measure to this kingdom, (that benefit from which, as from a source, the rest must flow) will be the strengthening the connexion, so as that it cannot be dissolved.

How will Union protect us from invasion? By destroying that hope of separating this country from Great Britain, which at present is our enemy's great inducement to invade us.

How will it promote the wealth and commercial greatness of this country? By removing that mound which has hitherto confined the redundant capital of England, and prevented it from flowing for the benefit of the Irish nation.

Amid disturbance from within, and invasion from without,—those necessary consequences of our present precarious connexion, and of the attempts of enemies and traitors to avail themselves of its weakness, and effect a separation,—it cannot be wondered at, if no Englishman would choose to trust himself or his capital to a country, where neither life nor property are secure. But take away those impediments,—and what will remain, to countervail the inducements, which its natural situation holds out to the trader to establish himself in Ireland? Mr. Foster, a great authority on such subjects, admits that this country is situated extremely well for commerce; and that "England finds a full call for all she makes: every year affording an increasing demand."* Here then is an inducement to vest more capital in business; while Ireland, reinstated in those advantages which nature gave (but which an ill-constructed establishment took away), tempts the adventurer to make choice of it, for the scene of his trade. Add to which, the security that Union gives the empire, will necessarily augment the prosperity, and commercial enterprise of Britain; and be of service to this country in two ways: by rendering England too contracted a sphere for its enormous capital to move in; and by urging the capitalist to avail himself

* Speaker's Speech, p. 70.

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of the peculiar local advantages of Ireland, and make it the theatre of his commercial exertions. *Ceteris paribus*, it is plain that the trader will settle in that place, which is best calculated for the purposes of his commerce; and that when our tranquillity shall have been permanently restored, this principle must operate beneficially for Ireland, is a proposition which it would be superfluous to prove. Yet with what flimsy objections has this plain reasoning been encountered? I will prove to you, says Mr. Foster, (too able a man not to estimate truly the argument which he used,) that you must not hope to see the woollen, the cotton, the pottery, or iron manufactures settled amongst you. It is true that this very respectable person failed altogether in the proof of his assertion; and was refuted not only by others, but by himself: since his positions not only shew that the cheapness of labour and provisions in this country might more than counterbalance the other disadvantages on which he relies; but after urging the want of fuel as the obstacle to our hopes, he admits that we should find abundance of coal in Ireland, if we had but capital enough to search. But it has always struck me that the case would not have been altered, though he had succeeded in his demonstration. The question was whether we should have the capital; not how that capital would be employed: whether, in general, we should have trade; not what particular branches of it might flourish here. The argument resembled his, who should deny that when the dam was removed, the stream that had been imprisoned would issue forth; and should attempt to prove his denial, by raising doubts as to the channels—in which the water, when it was released, would run.

Union, you say, will take away a great portion of our landed capital; and you tremble for the effect which this removal must have upon the agriculture of Ireland. It must indeed be admitted, that from your own account our tillage is in so languishing a condition, that we have none to spare; and in being deprived of it, should lose what was possessed of every value that rarity can give. Where "the tenantry had not capital; and great tracts of land remained either totally neglected, or superficially improved,"* the country had little to boast of on the score of cultivation.

* Mr. Grattan's words.

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——Attamen illud
Perdidit infelix totum nihil :

Such as it was, Union has destroyed it all. These destructive tendencies of Union I am unable to discern. For not to mention that the fortune which is amassed in trade is generally vested at last in the purchase of land, so that the communication of a commercial, will ultimately give a landed capital; it seems meantime no hazardous conjecture, that the increase of wealth, industry, and population, must contribute materially to promoting tillage. "The effect of trade upon agriculture," (says an ingenious writer,) "is visible in the neighbourhood of trading towns; and in those districts which carry on a communication with the markets of trading towns. The husbandmen are busy and skilful; the peasantry laborious: the lands are managed to the best advantage, and double the quantity of corn or herbage raised from it, of what the same soil yields in remoter, and more neglected parts of the country. Wherever a thriving manufactory finds means to establish itself, a new vegetation springs up around it. I believe it is true that agriculture never arrives at any considerable, much less at its highest degree of perfection, where it is not connected with trade; that is, where the demand for the produce is not increased by the consumption of trading towns."

I do not know why I should quote Paley in support of a truth, so obvious that I might have ventured to state it on my own authority; viz. that corn, like any other article of consumption, will be produced in proportion to the demand which there is for it: and this being the case, I cannot share your apprehensions that Union, in introducing commercial capital amongst us, will fail to promote the agriculture of Ireland.

But will the effect of Union be to increase our absentees? I sincerely believe not in the degree that some pretend to fear; and others perhaps really apprehend. I will not say whether the case would be altered by a Union; but at least there seems to be nothing in our present distinctness, which induces landed proprietors to reside: and I have somewhere seen it stated that nearly a million of Irish rents went annually from hence, before the number of our absentees was so greatly augmented, as it has been since those late disturbances took place, which were attributable to causes, that Union would remove. Therefore you do

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not put the matter fairly, when you say that the minister "finds one great absentee draught; and gives us another." One drain, the measure which he proposes would close up; and those whom tumult banished, tranquillity would recal. Whether the kingdoms be united, or be not, London must be the residence of the monarch, and the metropolis of the empire; and as such attract the great and the ambitious, from whatever quarter of the British dominions. But Union, so far from increasing, will rather in some degree counteract those attractions. I do not mean merely by rendering property secure, and giving Ireland that quiet and prosperity, to which she has so long been a stranger: thus tempting the moderately wealthy to fix their residence in a thriving and tranquil country, where taxes do not deduct so largely from income as in England: I mean by the reward of residence which Union will propose; viz. a seat in the Imperial Legislature; no trivial object of fair ambition to the proudest. Neither will that advantage, which has been noticed by Mr. Pitt, be overlooked by the *real* friends to the connexion; namely, that this transfer of the legislature would disseminate those English feelings, which are quite compatible with the most genuine and patriotic love for Ireland.

I am well aware how much men's principles are strengthened by their habits; and I have very little doubt, (if it be not presumptuous to draw an illustration from the petty and obscure circle of my own experience,) that having been educated in England, and passed the earlier years of my life in that country, contributed more effectually than any reflection could have done—to put my sentiments and principles in unison with each other; and make me consider all my fellow-subjects in the light of countrymen; on whichever side of the channel they might happen to have been born.

But neither is it to be forgotten, that though Union should turn some of our present residents to absentees,—this effect would be more than counterbalanced by the many beneficial consequences which it would produce: by the restoration of that good order, for the want of which, there is nothing can compensate; the security of that connexion, which is essential to our welfare; the consequent introduction of industry and wealth,—and the comfort and improvement of our sordid and degraded people; the formation of a class which this country greatly wants, for the

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purpose (amongst others,) which I have mentioned last; a description of men that would stop the breaches in our society, and fill up that interval between rich and poor, which forms a gulf that had nearly swallowed up the constitution; and lastly, by the advantage which we might reasonably hope to receive, from having the imperial councils at all times influenced, perhaps sometimes guided, by some of those Peers or Commoners whom Ireland had returned; men attached to, and acquainted with the interests of their native country. These, Sir, are the bribes which the minister holds out. I plead guilty in his name, to the charge which you have brought against him. The bribes which he offers are irresistibly attractive; no less than freedom, prosperity, and peace,—to coerced, impoverished, and distracted Ireland.

Protesting against the justice or propriety of estimating the advantages of Union by its probable effects on the metropolis, exclusively,—I must however refuse my assent to the opinion that even to Dublin it will be at all permanently injurious. Let us balance the account fairly. This city is now the capital of a poor, and idle, and distracted kingdom; but it is the seat of the Irish Legislature. After Union the seat of legislature will be transferred to England; and the arrangement which involves this transfer, will render Dublin the metropolis of a wealthy, flourishing, and peaceful country. I see nothing for my fellow-citizens to tremble at, in such a change. I presume it cannot be denied either that the prosperity of a capital should be in proportion to that of the state; or that it will even share principally and pre-eminently in the general welfare; and that the national circulation will be strongest about the heart. But to this I must add another consideration; viz. that the grandeur of Dublin would, after Union, be derived from that of Ireland. Being the focus in which the national rays were collected, its splendour would be proportioned to their number and brightness; and as the city would be interested in the general welfare of the land, this latter would have the advantages which it poured in, reflected back; and would rise and flourish connectedly with its metropolis. But what is the situation of Dublin now? Its grandeur is not only insulated, and unconnected with that of the country to which it claims to belong, but it is even, in some degree, built upon the degradation and impoverishment of the state. Let Ireland perish—provided

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Dublin reap the annual profits of a Parliamentary Session! Is this the sentiment of a citizen of Dublin? and shall we cherish a distinctness which makes the kingdom little,—because short-sighted persons fancy it makes the city great?

But Union will hurt Dublin, by aggrandizing Cork! On the contrary, if the principle which I have laid down be as incontrovertible as I suppose, the metropolis must be served by the aggrandizement of the kingdom in all its parts; and will consequently be enriched by the prosperity of that part of Ireland which we call Cork. There is indeed another mode of putting this objection; but which is founded on a jealousy too paltry to deserve an answer: true! after Union, Dublin may be great: but so, alas! will Cork. This illiberal complaint places the citizens of Dublin exactly in the light of the labourer mentioned in Scripture; who could not object to the hire which he received himself, as too low a price for the work that he had done; but was mortified to find another who had done less, receive the same. The only difference between the cases is, that the man in the parable derived no benefit from the profits of his companion; whereas Dublin must gain advantage from the aggrandizement of Cork.

But let us hear what Adam Smith has said upon this subject. It may be worthy the attention of the inhabitants of Dublin.

"The whole annual produce of the land and labour of every country, when it comes either from the ground, or from the hands of the productive labourers, naturally divides itself into two parts; one of which is destined for replacing a *capital*, and the other for constituting a *revenue*. That part which replaces capital, pays the wages of productive labour only: it never is immediately employed in maintaining any but productive hands. Unproductive labourers, and those who do not labour at all, are all maintained by revenue. The owners of this revenue might maintain indifferently either productive or unproductive hands; but they seem to have some predilection for the latter. The expense of a great lord feeds generally more idle than industrious people; the capital of a rich merchant maintains industrious people only. The proportion therefore between the productive and unproductive hands, depends very much, in every country, upon the proportion between that part of the annual produce which is destined for replacing a capital, and that which is destined for con-

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stituting a revenue. This proportion is very different in rich, from what it is in poor countries. Thus at present, in the opulent countries of Europe, a very large, frequently the largest, portion of the produce of the land is destined for replacing the capital of the rich and independent farmer;" a being so little known in Ireland, that our idea of a yeoman is connected, not with the plough-share, but with the sword; "but, anciently, a very small portion of the produce was sufficient to replace the capital employed in cultivation. This small portion too, together with "all the rest of the produce, belonged to the landlord;" and constituted his revenue, either in the form of rent for his land, or profit upon" that "paltry capital, which was by him advanced to the occupiers of the soil. These were generally bondmen, or tenants at will;" who, "though they lived at a distance from his house, were equally dependant upon him, as his retainers, who lived in it." In short the tenantry of those days, in consequence of the dearth of capital, formed a class not very dissimilar to that of Irish cottiers.

"At present," too, "in the wealthy countries of Europe, great capitals are employed in trade and manufactures. In the ancient state, the little trade that was stirring, and the few coarse and homely manufactures that were carried on, required but very small capitals."

"That part of the annual produce, therefore, which, as it comes from the ground, or from the hands of the productive labourers, is destined for replacing a capital, is not only much greater in rich than in poor countries, but bears a much greater proportion to that which is destined for constituting a revenue, either as profit, or as rent." In other words, the funds, (viz. that capital which Dublin wants,) destined for the maintenance of productive labour, are not only much greater in opulent countries than in poor ones, but bear a much greater proportion to those funds, (composed of that revenue, which is now expended in this metropolis,) "which, though they may be applied to maintain either productive or unproductive hands, are generally employed not in feeding the industrious, but in pampering the idle.

"The proportion between these different funds necessarily determines, in every country, the general character of the inhabitants, as to industry or idleness. We are more industrious than our forefathers, because, in the present

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times, the funds destined for the maintenance of industry, are much greater in proportion to those, which are likely to be employed in the maintenance of idleness, than they were two or three centuries ago. Our ancestors were idle for want of a sufficient encouragement to industry.

"The annual produce of the land and labour of any nation can be increased in its value by no other means, but by increasing either the number of its productive labourers, or the productive powers of those who had before been employed. In either case, an additional capital is required. When we compare therefore the state of a nation at two different periods, and find that the annual produce of its land and labour is evidently greater at the latter, than at the former,—that its lands are better cultivated, its manufactures more numerous and more flourishing, and its trade more extensive,—we may be assured that its capital must have increased, during the interval between those two periods."*

But I should apologize to those sound logicians, who sustain the Anti-union cause, for having presumed to quote a writer of the analytic class.

Having objected to Union *in the abstract*, those grave and consistent personages complain that we have accepted the aid of *abstract reasoning*, to confute them. They are indignant that we should argue a principle which they refuse to concede; calling upon us to treat the question in the concrete; and with reference to those terms, which yet they refuse to hear propounded.

If this objection came from those puzzled intellects, whose only talent is that of rendering confusion worse confounded,—and who mistake every thing that is comprehensive, or even rational, for metaphysics,—men who would consider the analysis of a loaf into its ingredients, as the mere sport of subtilty and metaphysical refinement,—

* Inquiry into the nature and causes of the wealth of nations—book 2d. ch. 3d.—I have in the above extract taken the same liberty, which I did in quoting from Archdeacon Paley,—and with a view to omitting every thing that was not directly relevant to my subject, have united paragraphs, which are separate in the work. I have, also for the purpose of rendering the reasoning more consecutive, changed the turn of expression in one or two instances; but the alteration has been so slight, as to be scarcely worth taking this notice of. Neither is my extract in any respect a garbled one: the passages which I have omitted so far from contradicting, do not even qualify the positions which I have cited.—The reference that I have given my readers will enable them to turn to the book itself, and ascertain the truth of what I have said.

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and overlook the useful inference to which this abstract reasoning might lead; viz. that it would be vain to build the oven, unless you sowed the corn;—I say, I should not be surprised, if the clumsy objection came from such a quarter. But if a man of undoubted talents undertake to dispatch the solid arguments which have been used against him,—with a cursory parenthesis, of "*so say the metaphysicians,*"—I will complain of his treating that reasoning with sarcasm, which he has not answered; and which has been relied on by his friend. When disputing the analogies on which I had insisted, he informs me that "*in Wales, or Yorkshire, there are no distinct executives; but that nature has determined these two countries not to be sufficiently proximate for a common executive,*"* I shall not meddle with his inference, but dispute his assertion; and oppose him, not with an argument, but with a law: a law so fundamental, as the act of annexation. He will there learn that these countries *are* sufficiently proximate for a common executive: and if he pursues the inquiry, and examines our modification of the law of Poynings, he will find that our patriotic legislature of 1782, thought them sufficiently proximate for the admission of a principle, which subjects the acts of the Irish executive, and royal estate, through the medium of its ministers, to the controul of a British Parliament. If he calls on me to "figure to myself an Irish executive government, with its responsibility as distant as Westminster," I will tell him that it is not mere hypothesis; but is *very nearly* matter of fact; and that he is not painting what after Union the situation of things would be; but what in *a great degree* it is at present. I will suggest to him that the responsibility of a British Minister, to a Parliament containing a hundred representatives from this country, must afford a better protection to the interests of Ireland,—than can arise from his being answerable for his measures to a legislature, in which no member returned by Irish constituents is included. But I will not proceed further. I will not use the privilege which perhaps he has given me,—by describing the measure which I support, as a total and vile surrender of the liberties of Ireland; and the arguments which I used, as mere flimsy textures of metaphysical finesse, beneath which I vainly sought to hide those chains, with which I was basely conspiring to load

* Mr. Bushe's printed speech.

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my country. I will not inquire whether, if the King's being "obliged to act here by viceregal deputation" prove any thing,—it does not demonstrate this,—that the laws of nature are at variance with the act of annexation? or whether the principles on which my valuable,—but on this occasion, I think, prejudiced—friend has rested our claims to an independent Parliament, would not alike entitle us to what we have not,—an independent crown?*—But I will ask whether if "England has for centuries uniformly plundered and oppressed us,—if the British nation has for ages shackled, paralyzed, despised, and kept our country down," —it be not incumbent on every Irishman who loves his native land, to rid us of a yoke so galling and disgraceful, —and, instead of looking "on British connexion as a polar principle in politics,"—to withdraw from the blasting influence which has withered our prosperity, and break for ever with this rapacious and treacherous ally? I will ask this,—because it is my duty to warn a friend whom I sincerely regard, of the danger which he is in: to shew him that the arguments which he has inadvertently adopted, can no otherwise dissuade from Union, than by recommending separation; and thus to stop him, even roughly, at the brink of a precipice,—to which nothing but a generous prejudice could have led him; and from which, when he sees the gulf, his loyalty will recoil.

But having got through what I suppose will be called Adam Smith's Metaphysics, let us listen to his facts. "In mercantile, and manufacturing towns where the inferior ranks of people are chiefly maintained by the employment of capital, they are in general industrious, sober, and thriving; as in many English, and in most Dutch towns. In those towns which are principally supported by the constant, or occasional residence of a court, and in which the inferior ranks of people are chiefly maintained by the spending of revenue," (as is the case of Dublin) "they are in general idle, dissolute, and poor; as at Rome, Versailles, Compiegni, and Fontainbleau. There is little trade or industry in any of the Parliament towns of France; and the inferior ranks of people being chiefly maintained by the expense of the members of the courts of justice, and of those who come to plead before them, are in general idle and poor. In

* In the preamble of Stat. 4th William and Mary, c. I. s. 1. the kingdom of Ireland is declared to be rightfully *depending upon* the Imperial crown of England.

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these towns, very little more capital seems to be employed, than what is necessary for supplying their own consumption; that is, little more than the smallest capital, which can be employed in them. The same thing may be said of Paris, Madrid, and Vienna. Of these three cities, Paris is the most industrious; but Paris is itself the principal market of all the manufactures established there; and its own consumption is the chief object of all the trade which it carries on. London, Lisbon, and Copenhagen are, perhaps, the only three cities in Europe, which are both the constant residence of a court, and can at the same time be considered as trading cities, or as cities which trade not only for their own consumption, but for that of other cities and countries;" and the reason for this phenomenon seems to be, that "the situation of all three is extremely advantageous; and naturally fits them to be the entrepots of a great part of the goods, destined for the consumption of distant places." In a word, the many other favourable circumstances attending their situation, have more than made amends for this drawback; and thus they have become exceptions to a general rule, and been enabled upon the whole to surmount that obstacle to their commercial greatness, which was occasioned by the constant residence of a court.

But such rare examples do not render it less true, as a general position, that "in a city where a great revenue is spent,—to employ with advantage a capital for any other purpose, than merely for supplying the consumption of that city, is probably more difficult, than in one in which the inferior ranks of people have no other maintenance, but what they derive from the employment of such a capital. The idleness of the greater part of the people who are maintained by the expense of revenue, corrupts, it is probable, the industry of those who ought to be maintained by the employment of capital; and renders it less advantageous to employ a capital there, than in other places. There was little trade or industry in Edinburgh, before the Union. When the Scotch Parliament was no longer to be assembled in it, when it ceased to be the necessary residence of the principal nobility, and gentry of Scotland, it became a city of some trade, and industry. It still, however, continues to be the residence of the principal Courts of Justice in Scotland, of the Boards of Customs and Excise, &c. A considerable revenue, therefore, still continues to be spent in it." And what is the consequence? "In trade and in-

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dustry it is much inferior to Glasgow; the inhabitants of which are chiefly maintained by the employment of capital. The inhabitants of a large village, it has sometimes been observed, after having made considerable progress in manufactures, have become idle and poor, in consequence of a great Lord's having taken up his residence in their neighbourhood."

Such are the facts which this intelligent writer has collected; and the fair conclusion which he deduces from them is this, that "the proportion between capital and revenue seems every where to regulate the proportion between industry and idleness. Wherever capital predominates, industry prevails: wherever revenue, idleness. Therefore every increase of capital," (and diminution of the relative proportion of revenue,) "naturally tends to increase the real quantity of industry,—the value of the annual produce of the land and labour of the country,—the real wealth of all its inhabitants."*

Such is the reasoning with which this acute writer has obviated the apprehensions of our metropolis; and, by anticipation, recommended the present system to its acceptance. A system, which as well on principle, as from the example of Edinburgh, he (a Scotchman) infers would instead of injuring, advance the trade of Dublin; and one, under which its opulence being derived from the employment of capital, not the squanderings of revenue,—a fund would thus be raised for the reward of industry, instead of that which is now perverted to the encouragement of dissipation.

These arguments will weigh nothing with those, who would rather receive payment for being idle, than for being laborious; with those who contemplate with pleasure the splendour of their native city erected on the basis of its luxury and vice; and are at this moment perhaps employed in exciting its starving manufacturers, against the system which would feed them; and in favour of that under which they famish: with those who accustomed to live on the scramble of faction, or by the arts of corrupt intrigue, are reluctant to part with the warehouse, and implements of their calling; destitute as they are of talents, principles, or habits, which might enable them to gain their livelihood by

* Inquiry into the Nature and Causes of the Wealth of Nations, book 2. chap. iii.

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some better means: with those in short who can, without blushing, ask permission to fatten on the miseries of their impoverished country.

But there are men,—with whom such reasoning will have weight: who see nothing desirable in a situation where the lower ranks of society feed upon the vices of the higher orders, and are infected; and where, that the metropolis may not lose the splendours of its Parliament,—the peasant, suffering the penalties of our general want of industry and capital, must pine away his life in a hovel scarcely human; or yielding to the instigation of some busy traitor,—perhaps terminate it ignominiously, a prey to those seductions, to which his wretchedness and ignorance had but too much exposed him. Such men will eagerly embrace a change, which will build the grandeur of the city on the morals of its inhabitants; and even lay its broad and patriotic foundations in the general prosperity and virtue of the land.

The proposed measure of Legislative Union will promote the trade and manufactures of Ireland in two ways: it will bestow upon us what we have not: and secure to us what we have. *First*, it will remove the political impediments, which at present obstruct our commercial progress; and "give us the means of improving our great natural resources. It will communicate to us all the commercial advantages, which Great Britain possesses: will open the markets of the one country to the other; and by giving them both the common use of their capital, diffuse a large portion of wealth into Ireland."* *Secondly*, it will both confirm, by irrevocable compact, that profitable trade which we enjoy at present; and by identifying the interests of the united countries, will give us a security for its continuance, worth a thousand contracts."†

That Union must produce the first of these effects, seems to me to be already sufficiently proved; and upon that point I shall only add, (calling in authority to the aid of truth,) that Adam Smith long since pronounced, that Union would produce to Ireland the most important benefits, both civil and commercial; and that Dean Tucker conceived it to be so advantageous to our trade, that his object was to conquer British prejudice. He sought to reconcile the narrow-minded of that nation to a measure, which, though it must

* See Mr. Pitt's speech. † Ibid.

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materially serve this country, yet—as it would identify the interests of the two imperial states, and strengthen that empire which they composed, and whose security was their own,—ought not to be impeded by selfish considerations, and should be the wish of every disinterested patriot in England. To these I should beg to add the authority of my esteemed friend Mr. Redford; the unsullied integrity of whose character would render his support a valuable acquisition; even though the work which he has published in favour of Union, were less replete with sound, and persuasive reasoning, and with pertinent and material facts, than to my understanding it seems to be. But above all, I would add the authority of a person, who on such a subject is surely entitled to be heard with peculiar attention; and who has publicly and expressly declared it to be his opinion, "that a Union would benefit both the landed and commercial interests of Ireland."*

I shall therefore proceed at once to consider briefly the second operation to be expected from this measure; viz. the securing that trade which we possess already.

In order to calculate the benefits of Union in this respect, we should consider, first, whether our present commercial intercourse with Great Britain be so advantageous to this country, as to be worth preserving; and secondly, whether its continuance depends on covenant, or is precarious; if the latter, we must desire a measure which will secure it.

In estimating "the comparative utility of different branches of national commerce," and assigning "to the several kinds, and divisions of foreign trade, their respective degrees of public importance," we shall find "the first place belong to the exchange of wrought goods, for raw materials; because this traffic provides a market for the labour that has already been expended; at the same time that it supplies materials for new industry."†

Again, "the balance of trade is said to be against, or in favour of a country, as it tends to carry money out, or to bring it in: that is, according as the price of the imports exceeds, or falls short of, the price of the exports."‡

Let us examine the nature of our commercial intercourse with England, by these principles; adopting the statements

* See the speech of the Right Hon. David Latouche, in the debate of January 15, 1800, as printed in the Dublin Journal of January 31.

† Paley's Moral and Political Philosophy, book 6. chap. xi. ‡ Ibid.

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of Mr. Foster,—which it is to be presumed no Anti-unionist will dispute.

In 1785 we exported to the amount of more than two millions and a half to Britain; while the amount of our imports did not exceed one million. In other words, a settlement of commercial accounts between the islands, at that period, left the balance of trade three-fifths in favour of Ireland; and in the interval between that time and the present, this balance has much increased, and the British market become still more valuable; England's consumption of Irish produce now exceeding the amount of what she sends to us, in a greater proportion than it did in 1785.

But this is not all: not only the balance of trade is in our favour, but the nature and quality of the commercial intercourse is beneficial to this country. It consists in a great degree of the "exchange of wrought goods, for raw materials;" and of goods, withal, for which, "if Britain should discourage their import," Mr. Foster doubts whether "we could find a market elsewhere:" a doubt which is warranted by fact and experience; since of the entire of our grand and predominant export, (linen) seven-eighths go to Britain, and the British settlements.

Britain furnishes us, says Mr. Foster, "salt, by which we are enabled to prepare our provisions for the navy: hops, which we have not: coals, tin, and bark."

Thus, even if the balance of trade were not in our favour, —if our exports to Great Britain merely equalled the value of our imports from that country,—yet still the intercourse would be advantageous to Ireland; insomuch as traffic, thus consisting of the exchange of our manufactures for raw materials, would provide a market for the labour which we already had expended, at the same time that it supplied materials for new industry: and it would not alter the case, to ascertain that in preparing the articles which we thus imported, some labour had been employed in England. Still the principle would not be affected: we should still be finding vent for Irish manufacture; and supplying ourselves with the materials of fresh industry. "But these articles constitute more than half of what is sent us."* Therefore merely to calculate the amount of the commercial balance in our favour, is by no means to estimate justly the value of our trade with Britain. On the contrary, it

* Mr. Foster.

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admits of doubt, whether we ought not, in casting up our imports, to deduct all articles of the nature of raw materials; and strike the balance on a mere comparison of the amount of exported and imported manufactures. Indeed, to controvert this principle, would be impliedly to insist on the value of that kind of trade, which, in virtue of our want of capital, we now possess; and which consists for example, in the export of our hides, and re-importation of them in the form of leather: a sort of commerce, which we do not need the authority of Mr. Paley for pronouncing to be of the most disadvantageous description; and which I admit is likely to be lessened, indeed annihilated, by Union.

But above all, I do not fear that this doctrine of mine will be opposed by Mr. Foster; who fully concedes my principle, when he represents our provisions, (those articles of prime necessity, which we have the kindness to send to England,) as mere raw materials, (for the manufacture of able-bodied seamen I presume:) and thus adduces an argument, which he had refuted by anticipation, when (in 1785) he described the salt which we imported, as a sort of raw material, necessary for the curing and manufacture of our provision.

Another circumstance, urged by Mr. Foster, ought not to be forgotten; viz. that we raise a revenue on what we import from Britain: thus making that country (as it strikes me*) contribute to the expense of the Irish government: for if it be said that the duty is paid by the consumer, I answer that as England imports more than she exports, she is ultimately that consumer.

But these allowances may all be waved: and even (delusively) stating the balance of trade between the countries, in the most unfavourable way to Ireland, we shall find this country a gainer by the intercourse, to the amount of above two millions yearly.

Having thus shewn the value of our commercial intercourse with Britain, (a value resulting as well from the quality of what we import, as from the amount of our exports) it remains to inquire whether the advantages of this commerce be at present precarious; and would by Union be irrevocably secured.

The continuance of a system, to which Great Britain is

* This consequence strikes me on the sudden. I shall not therefore answer for the truth of the principle; but it seems to me to be a sound one.

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not bound by any specific compact to adhere, it requires no argument to prove, must be precarious. Depending upon the mere pleasure of that country, it may be abandoned on grounds of real, or mistaken policy; and is even liable to be relinquished, from irritation or caprice.

I have heard it asserted, I admit, that the linen trade of Ireland rests on no such insecure foundation; but that on the contrary, its encouragement is the mere performance of an agreement. But this alledged covenant has eluded my strictest investigation; and I must crave over of that contract, which you charge the British minister with having denied. *Litera scripta manet:* if the treaty has existence, it may be found.

But the fact is, that it is a mere creature of the imagination: one of the phantoms conjured up by your party, against Union. This branch of Irish trade, in reality, depends upon the duties which Great Britain imposes on foreign linens; and the bounties which she grants on the export of those, which have been manufactured in this country.

The truth of the above position cannot be disputed; and is in fact confessed by Mr. Foster and yourself, when, evading the real question, you discuss what I take to be sufficiently immaterial, namely, whether those bounties were granted for ths sake of Ireland.

That the British Legislature may repeal provisions which they have themselves made, is a proposition too self-evident for proof; nor is the inference less manifest; viz. that the duration of our present commercial benefits, though it may be likely, yet is not secure.

That visionary compact on which Mr. Foster relies, he will not assert to have been entered into since 1785. At that period therefore, our trade was not less secure than it is at the present day; and every argument which proved the expediency of concluding an advantageous commercial agreement then, will *a fortiori* recommend the entering into a still more beneficial treaty now. I therefore shall not presume to add to Mr. Foster's conclusive reasoning, in favour of Union, (considered in a commercial point of view;) or attempt to shew "that an adjustment, which for ever confirms all the advantages we derive from our linen trade, and incapacitates England from making any law that can be injurious to it," should be eagerly embraced

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by all who regard that trade;* but will merely observe, that the compact for which he argued so strongly then, has not been entered into since; and (with additional advantages) is offered now.

I shall not take up my reader's time, by dwelling on that passage in your speech, in which it is said that "the bounty on linen was not granted for the sake of Ireland,—and that Irish linen sells itself;" but will cursorily remark, that, if the interests of this country were not what the English Parliament had in view, the policy was not very obvious, which by laying duties upon continental linens, incurred retaliating duties, imposed in the foreign markets, on English woollen manufactures; and advanced the price, both of German and Irish linen, so considerably on the British consumer, as to make England, on the whole, pay annually above a million.

I choose rather to advert to another consideration, which this remark of yours suggests: namely, that it is inconsistent with the general tenor of your reasoning, to underrate the value of an arrangement, which substitutes a solemn covenant, as the security of Irish trade, in the room of that liberality of the British Parliament, on which our commerce depends at present; and on which you do not seem disposed implicitly to rely.

You, who refer our present security, not to the cordial sentiments which should unite two members of one common empire, but to a nice balancing of the powers of molestation, and retaliation, should not, methinks, reject a plan, which by "incapacitating England from making any law that can be injurious to our linen trade,† will render British illiberality innoxious." Surely, if we were to admit your doctrines in their full extent, we must for that very reason prefer a situation, which provided for our safety by disarming Britain, to one which leaving it in her power to aim a blow, merely balanced this—by our ability to return it.

But that same competition of interest, which you most sophistically rely on as a reason against Union, you forget to admit as an argument for compact; when in fact this rivalry (whether between individuals or nations) is the foundation and origin of all agreements whatsoever; these being mere expedients, resorted to for obviating its effects.

* See Mr. Foster's Speech on Mr. Orde's Commercial Bill.
† See Mr. Foster's printed Speech in 1785.

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The sophistry of relying on such diversity of interests, consists in your assuming, that when the countries had become united, their interests would continue contrariant and distinct. You pervert the jealousies which exist at present, into arguments against confounding the distinctness from which they flow; and the datum which is required towards supporting your conclusions, is—that an effect may remain after its only cause has been removed; and that when all its parts shall have been intimately blended, the British empire will notwithstanding be at variance with itself.

I shall not attempt to justify the treatment which, for a long time, this country experienced from Great Britain. Mr. Pitt has himself represented it as harsh; and the most unfair advantage is taken of an avowal, which at once did honour to his candour, and gave assurance to Ireland that a conduct thus reprobated will not be resumed, when, by Union, those circumstances shall have been put an end to, which afforded the only ground or pretext for its adoption.

It is more strange—than unusual—that from the same premises, different persons should deduce almost opposite conclusions. Thus, that very illiberality on the part of England, which appears to supply you with an inference against incorporation, furnishes to my understanding an argument for the measure.

If indeed I were to agree with those, who describe such treatment as the mere result of Great Britain's *instinctive enmity* to Ireland, I should regard it as more than a reason against Union: I should consider it as an argument for separation; and should, on principle—try, by severing the connexion, to tear my country from the clutches of her malignant foe.

But I regard the control, which we have endured, as the effect of a mistaken policy,—more justifiable in its object than in its means:—a policy which had its origin and excuse in that distinctness, to which England has at length the generosity to put an end; and which every Irish patriot should concur in desiring to see irrevocably abolished.

That the sister country should, with a sort of gratuitous ill will, desire to mar the prosperity of Ireland,—that Britain should observe with uneasiness and reluctance, the welfare of a portion of the British empire, is an hypothesis too absurd and extravagant for belief. Instincts are given towards self-preservation; but this instinctive enmity would aim at self-destruction.

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But however warmly she might wish to see Ireland prosperous, this sentiment would still be subordinate to another; I mean her desire that the islands should remain connected. Nor could this be deemed an illiberal postponement; inasmuch as "in the general strength of the empire," (which any loosening of the connexion must impair,) "*both* kingdoms are more concerned, than in any particular interests which may belong to either;"* and therefore the sentiment which I have ascribed to British policy, would not be unbecoming even Irish patriotism.

Independence, grafted, as ours has been, upon that distinctness which is in fact a *degree* of separateness, is from its very nature and basis, at variance with intimate, and therefore secure connexion; and is liable to be perverted into an instrument of separation. I appeal to the experience of every loyal and candid Irishman, whether our independence has not been so abused? and I caution those who are so fond of making 1782 emphatically the commencement of Irish greatness—and who tracing our prosperity in no degree to the connexion, refer it all to the wonderful efficacy of a local Parliament,—to beware how they inadvertently support the doctrines of Mr. Tone; who in an Anti-union work of his, addressed to the people of Ireland, (and of which several copies were taken by Sir John Warren's squadron,) agrees with them in dating Irish advancement from 1782: agrees that Ireland has prospered, in proportion as the line of her distinctness has been more strongly marked; in other words, in proportion to her estrangement from Great Britain; and calls upon the people to complete the work which they have begun, and consummate the prosperity of Ireland, by separation.

Is it matter for surprise, if so long as it might be doubtful whether "the power of Ireland was to be that of England,"† this latter should watch the progress of such power with distrust? Is it extraordinary if so long as it remained uncertain whether this country was "to be part of the strength of Britain, or an "acquisition for the enemies"‡ of both,—attachment to the interests of the empire, nay of Ireland, should produce a vigilant jealousy of that advancement, which might ultimately involve these islands in one common ruin? and shall we not be eager to correct a sys-

* Mr. Pitt's Speech. † Ibid. ‡ Ibid.

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tem, which unnaturally opposing our freedom and connexion, to each other, gave England ground to fear that in promoting our prosperity, she might be but enabling separatists to wield with more effect, the weapon which our distinctness had put into their hands? Abolishing this perverse order of things, which provoked a conduct "unworthy the liberality of Great Britain,"* shall we not gladly embrace that improved system, which will enable us confidently from henceforth to pronounce, that "the interests of the two countries *must* be taken together; and that a man cannot speak as a true Englishman, unless he speaks as a true Irishman; nor speak as a true Irishman, unless he speaks as a true Englishman?"†

Yes: congratulating Great Britain on that liberal change of principle, which induces her to consult the integrity of the empire, not by checking our growing strength, but by uniting it with her own, let us, without loss of time, become prosperous and secure, by exchanging a distinct for an incorporate independence.

I had proceeded nearly thus far,‡ when the Lord Lieutenant's message being delivered to the House of Commons, the terms of Union were disclosed by a noble Lord, on whom my respect for him makes me rejoice to see the illustrious task devolve, of bidding his country become free and prosperous for ever. The splendour of these terms supersedes all inferior arguments for Union; and the man must be more phlegmatic than I desire to be, who can listen to them, and withhold his admiration.

By these, as if the British Constitution were not of itself a boon worthy our acceptance, advantages are secured in commerce and finance, equalling the fondest hopes we could have formed, and almost exceeding the powers of calculation. Upon a principle, the fairness of which is beyond dispute, the contribution of Ireland will be proportioned to its ability, and that ability be measured by an accurate criterion; nor will any power be given to the Imperial Parliament, of altering or revising this principle, in any respect; but merely of ensuring its future application; and making the ability of Ireland the eternal and invariable

* See Mr. Pitt's Speech.

† Mr. Pitt's Speech.

‡ One hundred and four pages of this letter were already printed, on the day on which the message was delivered.

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standard of her contribution. A discretion, which must be felt necessary to be given to the common legislature, by all who concur in the opinion which I entertain, that the inevitable consequences of Union will be to increase the relative ability of prospering Ireland.

Nor will this principle be less favourable to our country, in its effect, than it is obviously just and equitable in its nature; but, operating to lessen considerably the present amount of our taxation, will give an auspicious specimen of the readiness of England to make a great pecuniary sacrifice; and scorning the delusive and sordid arguments of selfish policy, to regard the interests of Ireland as the aggrandizement of the empire.

When you ridicule all pretensions to liberality, on the part of Britain,*—I will point to the terms of Union as my answer: to the fair conditions of that generous treaty, by which, without proposing to entangle us in her difficulties, she merely solicits us to participate in her greatness: retaining her debt, while she imparts to us her prosperity; and exempting us *altogether* from the operation of that maxim, which prescribes that those who derive the benefit, shall bear the burthen. Sir, it suited the magnanimity of that glorious country, the champion of invaded liberty and good order, to refute such imputations, not by words, but by a conduct which history will record, and posterity must admire. It became her situation, to acquire *peculiar* claims, in the case of Ireland, in addition to that title which she had already, to general gratitude from the whole civilized, and by her protected world.

I have now gone through the most important topics of your speech; animadverting by the way, both upon them and your general politics, with that freedom which we hold ourselves privileged to use, in examining the conduct and opinions of a public man; yet, I trust, without having deviated from the respect, which on all occasions one gentleman owes another,—and which, in your case, I should be peculiarly sorry to transgress; since, however strongly I disapprove of much of your political conduct, I will not be prevented by this sentiment of blame, still less by any feeling of party zeal, from recollecting what is due not only to your talents, but to the distinguished share which you

* Liberality of England to Irish commerce! She was liberal "never," &c. &c.—Mr. Grattan's Speech.

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had in the transaction of 1782, and the honourable part which you acted, about the commencement of the present war: and I take this opportunity of requesting you, Sir, and my other readers, to qualify with the above tribute—the strength of any censure, which in the warmth of discussion I may have been, or still may be, induced to apply to your language, or your measures: a tribute which certainly has sincerity to recommend it; and of which the value will be best estimated by recollecting, that though I am appealing you before the tribunal of public opinion, in order to weaken the force of your testimony against a salutary measure, yet I have scorned to resort to those charges against your character, which have not been so proved, as to bring conviction to my mind; but to which many in my circumstances would have more than alluded.

I state myself to have investigated all your material topics; for as to that inconsistency, which you impliedly charge on government, by contrasting their opposition to a modus, when formerly proposed by you, with their supposed intention of connecting one with the present Union, —the imputation is disproved by simply observing, that the same measure which under one order of things would be subversive, might under another and dissimilar one, be desirable and safe.

Your remarks upon the clergy are no less answerable, and inconclusive. Is it disgraceful to Roman Catholic Ecclesiastics, that they countenance a measure, which, while it infuses an assuaging portion of morality and intelligence, into the physical force of their at present uncultivated flock, (a character which I ascribe to them not as Catholics, but as populace,) at the same time, by providing for their priesthood, links the interests of that body to the constitution; and is calculated to increase the knowledge, influence, and respectability, of those whose task it is to diffuse religious instruction amongst the people? Again, is "the perpetual security of our Established Church"* —a bribe, which the Protestant clergy can be dishonoured by accepting? No, Sir: that sacred body stands far beyond the reach of scurrilous reproach; and in supporting Union, they pursue a conduct which can not only be justified, but should be praised; a conduct which suits the mild and peaceable doctrines of that religion which they preach. It

* Mr. Grattan's words.

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well becomes their holy function, to countenance a change which shall stop the effusion of civil blood: which shall soften those malignant passions that have so long raged amongst us, and almost swept away the virtue of the land: which shall substitute industry, in place of that idleness which is the nurse of vice: which shall lead the inhabitants of this torn country to fulfil the duties of a Christian people, by loving one another,—and paying obedience to the constituted authorities of the state: which shall found the security of the Protestant Church upon a basis, compatible with the indulgence of that cordial trust and confidence, which ought to prevail amongst all the ministers of one gospel,—amongst all the branches of one common faith: in short, a measure, which whilst it tends to fortify an empire, now waging the holy war of religion against impiety,—accomplishes this desirable and glorious object, not by sacrificing an atom of the liberties of Ireland, but by acquiring for her the full privileges of the British Constitution.

Sir, I have heard much of the distinguished loyalty of those, by whom the measure of Union is opposed; and I admit that loyal characters are to be found in the Anti-union ranks; who by insisting so much on their past attachment to the constitution, indirectly confess that their affection for their sovereign, and the empire, is more evinced by their former, than their present conduct.

But there is a description of persons, (I do not say in parliament,) whose loyalty is of a base and spurious kind; and of whose co-operation you have no reason to be proud. Men who, not actuated by any generous sentiment, have hitherto followed the trade of allegiance, merely because they found it a more profitable one than that of sedition. Men who, profligately consistent, are led to oppose the present government, by the same motive which induced them to support all past; by corrupt selfishness,—not public spirit.

Such, while they make an uproar about their loyalty, in fact resist Union for no other reason, but that though it may advance the commerce of their country, they are well aware it must extinguish theirs. British connexion they consider as a sort of state commodity, for which England ought to deal, on their own terms, with them. They promise to supply this article of prime necessity, so long as they are permitted to vend it to the sister country, and to

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monopolize the emoluments of the sale: and though of late the crops have been but sorry,—yet aided by the strong hand of coercion, and continuing to manure with Irish blood, they make no doubt of having permanent and abundant harvests; and think it hard that their exclusive traffic should be spoiled, by Britain's beginning to purchase from the whole Irish nation, and while she employs the people indiscriminately to cultivate the connexion, by paying their labours with the British Constitution.

Such reasoning may be forcible, but it is not patriotic; and I shall not waste my time by addressing those who use it; but must apply myself to another, and very different class, whose principled loyalty I both acknowledge and admire,—and whom therefore I grieve to find inadvertently in array—against the prosperity of their harassed country.

I will ask them, and with the question, (almost) conclude this tedious letter, what are their expectations in opposing Union? Do they hope to see that order of things revived, which some have described as a colonial system? Can they hope that the strength of government will co-operate to restore a system, the defects of which they have been necessitated to disclose, and for which they see no effectual remedy, but incorporation? Will administration, to accommodate these gentlemen, recur to the plan of extorting, by coercion, a precarious allegiance, from a poor, ignorant, discontented, and misguided multitude,—instead of watching *perseveringly*, for the moment to make a change, which shall render loyalty the unforced, and ready offering, of a prosperous, an instructed, and contented people? Is it to be expected, that for the mere gratification of a loyal party, a government which rightly estimates the affections of the subject, and feels them to be the best security of the throne, will for ever abandon a measure so deliberately proposed, and so explicitly declared to be in their opinion indispensible? a measure too, which has been solemnly called for by the common sovereign, and approved of in one of the parliaments of the empire? Is it to be imagined, I say, that administration will relinquish such a measure,—and permanently substitute a system in its room, where, in order to guard the constitution from attack, we are obliged to strip it of every principle which secures the liberty, and excites the zealous loyalty of the people? Can we suppose that the British Government will lay aside

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all thoughts of Union, and cordially re-adopt a regime, which fomenting civil discord and disaffection, and rendering Ireland the theatre of factious cabal, or stern and sullen despotism, must keep the empire vulnerable in a vital point,—and tempting the vigilant enemy to our shores, make this country, instead of being a reservoir of imperial force, an embarrassing drain to the resources, and a defalcation of the strength of Britain? No: such hopes it would be idle to entertain. Government, if frustrated for the present in its honest plan, would not enter into the views of those to whom I allude, but merely wait a more favourable moment, for accomplishing the prosperity of the Irish nation. This loyal class must therefore be content, in the alternative, either to further those intentions of government, which I have described; or (since alone their party would be too small to make any head,) if they would resist, to form a junction with that party, to which they are now most unnaturally allied,—and cordially promote the wishes of a faction, whose desperate projects they look upon with dread; and whose political opinions they habitually abhor.

I conjure them to weigh all this maturely, before they persist in their opposition to a measure, so emphatically necessary at the present moment, to frustrate those attempts at separation, in resisting which, I know they would be ready to shed their blood.

Let them discountenance that most unconstitutional and desperate experiment, of consulting, on a great political subject,—not the property, intelligence, or loyalty of the country,—but that giddy, wretched, and uninformed multitude, which, if it have any original and genuine sentiment at all, is averse from uniting with Great Britain,—only because it would rather incorporate with France. Rejecting the authority of a clamorous and disaffected mob,—a *nata in vanos tumultus gens*,—which, composed chiefly perhaps of traitors pardoned,—and unreclaimed,—is at once the dupe, and echo, of a few factious leaders, (whose opinion it would be the shorter, and safer way—to ask *directly*,) let them prudently decline resorting to the assistance of that barbarous and lawless power, which having first aided in resisting a measure which they dislike, would end by overwhelming both them, and the constitution.

Let them examine with generous shame, in the mirror

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which History holds up for their instruction, the disgraceful nature of that conduct, which some enemies to their honour would prevail with them to imitate.

They will find, that in Scotland, "the party who opposed Union, finding the majority in Parliament against them, studied to raise a storm without doors, to terrify them. *A set of addresses against the Union were sent round all the counties, in which those who opposed it had any interest.** There came up many of these, in the name of counties, and boroughs, and at last from parishes. This made some noise abroad; but was very little considered there, (in Parliament,) *when it was known by whose arts and practices they were procured.*"† They will find, I say, that near a century ago, expiring faction had recourse to such expedients; and will scorn to follow so vile and mischievous an example.

Thus much, at least, I expect with confidence from their loyalty. I only wonder they will not let me hope for more. I only lament that they will not co-operate with the government, to reconcile a connexion which they value, with a constitution which they love; and obtain these combined blessings for their country, by a Union. I have the honour to be,

Sir,

Your obedient and very humble Servant,

WILLIAM SMITH.

DUBLIN, FEB. 10, 1800.

* A resemblance (say the metaphysicians) may sometimes be so close as to be rendered ludicrous by its exactness.

† The historian adds that "when this appeared to have little effect, pains were taken to animate the rabble to violent attempts, both at Edinburgh and Glasgow." See the Irish letters missive, passim.

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ANIMADVERSIONS

ON THE

PUBLISHED

SPEECHES

OF

MR. SAURIN AND MR. BUSHE,

&c. &c.

By WILLIAM SMITH, ESQ.

DUBLIN:
RICHARD MOORE TIMS, 85, GRAFTON STREET.

MDCCCXXXI.

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ANIMADVERSIONS

ON THE

SPEECHES,

&c. &c.

SINCE my letter to Mr. Grattan went to press, two publications have appeared, purporting to be reports of speeches delivered in Parliament, by Mr. Saurin and Mr. Bushe.*

I shall make no apology for animadverting upon both. They relate to a question so easy to be solved, that at an early period I was myself induced to undertake its solution; I mean the competence of Parliament. And though, when in my letter to Mr. Grattan I resumed the discussion, I hoped to have at last "done with the subject for ever,"† yet I feel it due to the respectability of the two names which I have mentioned, and to the radical importance of the question itself, to recur to this beaten topic once again: especially when I recollect what I have observed in the first page of that letter,‡ viz. that "no argument should remain untouched, no objection be left unanswered, which can throw light on a matter of such singular importance, as that which now engrosses the public mind."

Mr. Bushe§ conceives the question, on the motion of Mr. Ponsonby, to be one, compounded of doctrine and of fact.

* The former in the Dublin Evening Post of Tuesday, March 11; the latter in the Anti-union Evening Post of Saturday last, March 8, 1800. The speeches are stated to have been delivered on the Tuesday preceding.

† Pape 81 of Letter to Mr. Grattan. ‡ To Mr. Grattan.

§ Now Lord Chief Justice of the King's Bench.

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The fact in dispute he states to be the sentiment of the Irish nation; and describes the question of doctrine to be, whether the House of Commons should communicate this sentiment to the Sovereign, (supposing, for argument sake, it was ascertained) by the mode which Mr. Ponsonby proposed.

And first let me be indulged, while I say a word as to the *fact*.

If by the public be meant the mere population of this country, I am disposed to concede, that so far as they have any definite opinion upon the subject, it is against a Union. But I shall never consent to impose upon the Irish House of Commons, the at once superfluous and indecent task, of not only conveying this sentiment to the Crown, but alledging it as a ground and motive for action. While it stands recorded in our statute books and in our journals, that rebellion has raged destructively in Ireland, and still so rages, that the civil authority of the state is not able to preserve the peace of the country, but that there is a necessity for continuing military law, will any loyal member of Parliament communicate to the Crown the fermentation of this rebellious mass, as the public sentiment of the land? The Sovereign needs not to be told, that the disaffection of Ireland is against a measure, which manifestly tends to the frustration of its views. I dare to say that not a man, of the thousands who escaped at Vinegar Hill, or massacred at Wexford, would hesitate to sign a petition against Union.

But why inform the Crown of what is notorious? His Majesty knows that all our traitors are averse to Union: but the communication becomes worse than superfluous, if we urge their aversion as a reason against the measure. "Sire, the rebels of Ireland disapprove mortally of Union; and therefore Parliament should abandon the measure." This is not argument: it is sedition. If then, by "the sentiment of the Irish nation," be meant the wishes of the United Irishmen, I do not scruple to consider their hostility to Union, as amongst the strongest arguments for its adoption.

If by the public sentiment, be meant that which alone is deserving of attention,—the opinion of the intelligence and property of the country, I assert that this is favourable to Union. Let those who doubt on which side the intelligence of the country is enlisted, recal the speeches which they have heard, and the publications which they have read.

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Let them recollect on which side they have met with true statement, fair argument, and constitutional maxims; and where they have been put off with unfounded assertion, fallacious inference, subversive doctrines, and empty declamation. Let them recollect this, and then determine—which side of the question is espoused by the intelligence of Ireland.

As to the property,—I will affirm that a majority of it is favourable to the measure: that this majority is a vast one, if absentee property be included; and that it is a decided one, at all events. And here let me avow my opinion to be—that though the resident wealth may be entitled to superior influence, upon a question affecting the internal interests of the country in which the holders live, yet it is folly and injustice to deny, that the property of absentees should also be thrown into the scale, and be allowed considerable weight.

In support of this latter branch of my opinion, I would observe, first, that the expediency or inexpediency of the measure now under discussion, depends on broad, obvious, and permanent principles, on which a man is scarcely the less qualified to decide, because this distracted country has not been the place of his abode: secondly, that it cannot be presumed that absentee proprietors would be favourable to the measure, unless they were persuaded that it tended to tranquillize the country, and render property secure; and thirdly, that if this be the effect of Union, it must be eminently beneficial.—I for my part would sooner listen to the testimony of one wealthy absentee proprietor, than to hundreds of those scrawling petitioners, who have no stake in the country, and whose disaffection has been sealed in the blood of their loyal fellow subjects; yet whose signatures are now, with much parade, drawn up in array against the declared sense of Parliament.

But waving, for argument sake, the benefit of this doctrine, let us see how the resident property of Ireland inclines: I shall not refer my reader to that display of rank and wealth, which has appeared in print, in support of the measure: I shall direct his attention to that immense majority, which has declared in its favour, in that foyer of national landed interest, the House of Lords: a majority thus doubly entitled to attention; both as it evinces the sentiment of the property of this country,—and speaks the opinion of one independent branch of the legislature: an opinion con-

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curring with that, which the royal wisdom also entertains. Look to the anti-union ranks in the House of Commons, and see whether some of their most splendid members, do not derive their consequence from being expectants of that property, whose present holders are strenuous advocates for Union. See whether the vaunters of Anti-union wealth, are not unfairly attempting to wield against us the very property which is enrolled upon our side, and trample us with a portion of our proper strength.

Exclude the property which is in the hands of absentees, and you undoubtedly decrease the majority which is for Union; but still leave a decided balance of sentiment in its favour. Admitting then, for a moment, the unconstitutional and pernicious doctrine, that the decrees of Parliament require any sanction from without doors,—what follows? That as an equal partition of public sentiment would leave the legislature free, any leaning of external opinion should decide them. Or, to speak safer, and more constitutional language, as Parliament in deliberating on any public question, should weigh, as important *evidence*, the sentiment which prevails abroad, without so far abdicating its own sovereignty, as to submit to it as *law*,—any majority may suffice to corroborate their opinion, and add the desirable, but not indispensable testimony of the subject, to that of the legislature, on the utility of the measure. Thus the case would stand on general principles; but when we add that Union is peculiarly the project, against which prejudice and ambition must stand formidably in array,—it becomes the more extraordinary, as well as fortunate, that the preponderance of public sentiment should be *at all* in its favour: the smallest majority should be held conclusive demonstration of its merits; and remove from the minds of any that were in suspense, the slightest shade of doubt as to the advantages of the measure.

Having thus disposed of the *question of fact*, by shewing that the disapprobation expressed by a misguided and seditious populace, affords a reason for adopting the plan which they disapprove,—and that if we listen only to those who, by having a stake of property, intelligence, experienced loyalty, and liberal cultivation, are competent to be heard, and deserving of attention, we shall find the weight of evidence in favour of Union,—having in short defined what is that public sentiment to which, without danger or degradation, the Parliament may lend an ear,—and shewn how

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that sentiment is on the present question, I shall proceed, with my friend Mr. Bushe, to the *question of doctrine;* and inquire whether Parliament should communicate this sentiment to the sovereign. Undoubtedly they should; but not by the mode which Mr. Ponsonby has proposed. Every bill which the Lords and Commons send up to Majesty for its royal assent, is a communication of the sentiment of the nation. Thus and thus only, on a subject of legislation, can Parliament, by the principles of the constitution, communicate the public opinion to the crown.

The subject has a right to petition every branch of the legislature: the Commons against passing a bill; the Lords against concurring with it when passed; the crown against giving the royal assent to an act, which has been carried through both branches of the legislature. But the House of Commons demeans itself—when it condescends to transmit to that merely co-ordinate *legislative* branch, the crown, those petitions, which have been submitted to itself, and which itself is competent to grant, or to refuse.

Though Mr. Bushe, in an early paragraph of his speech, denies the inquiry to be "whether the House of Commons should surrender its deliberative capacity to the people at large,"—yet in a subsequent part he seems to perceive, that when stripped of all disguises, this is in reality the question. He seems to perceive it, when he opens his investigation of "the point of doctrine," by admitting that "the debate had *naturally resolved* itself into a question of parliamentary competence." Yes, undoubtedly this was the question; and the only principle on which Mr. Ponsonby's proposition could be agreed to, would be an insufficiency of authority in Parliament, to pass the measure without the express sanction of the people: a principle which at once overturns the balance of our government; and having plundered the Parliament of supreme power, proceeds to lodge this stolen supremacy with the people.

This question, as to the abstract competence of Parliament, which he confesses to form the substantial subject of discussion, Mr. Bushe declares to be one "on which he has not any doubts: which, he never has debated, and never will debate;" and as, near the passage which I have cited, the context might lead to misconstruction, I am happy to have it in my power to explain what the certain conviction was, that Mr. Bushe intended to announce. I am happy to know, that he has no doubt of the abstract

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competence of Parliament; and to be able thus to rescue a man whom I regard, from the imputation of denying that, which cannot be disputed, by any man who understands the law, and reveres the constitution.

But at the same time that I gladly offer this testimony in favour of the political principles of my friend, he will be candid enough to pardon me, if I cannot refrain from blaming, as weak, unconstitutional, and pernicious, that impeachment of the competence of *this* particular Parliament, with which he qualifies his admission of the competence of Parliament in the abstract.

If the body, which now legislates for Ireland, be a Parliament,—it must be possessed of that political omnipotence, which adheres essentially and inseparably to its legislative capacity. He who admits unbounded competence to belong to Parliament in the abstract, must either recognize such competence in the present assembly, or deny that this assembly is a Parliament. But though Mr. Bushe's doctrines are more than objectionable, he states them with the fairness and precision, which becomes a candid and manly character, He does "not infer the incompetence of this Parliament to pass this measure, from the magnitude of so vital a question:"—he deduces their incompetence, from the corrupt frame and construction of the Parliament itself. The broad principle on which he rears his conclusion of their incompetency, is not merely sufficient to disqualify them from concluding Union: it equally supports a denial of their authority to suspend the Habeas Corpus Act, or pass the Martial-law Bill; and justifies the subject in resisting those encroachments on his freedom, made by this usurping, and impurely-constituted assembly.

I shall not desert the spirit, for the mere letter of my friend's argument, or insult his understanding, or that of my other readers—by supposing that he inferred the incompetence of the present Parliament, not from what he knew himself to be its formation,—but from what Lord Castlereagh asserted, and *he* denied, to be the nature of its frame and constitution; and thus that his denial of its authority, was merely conditional and hypothetic. The whole tenor of Mr. Bushe's speech implies his adoption of the noble Lord's statement, in this respect; a statement, the accuracy and truth of which, no man of candour can indeed deny.

But I will ask wherein consists that disqualifying mal-

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formation, that cachexy, which deposes the present assembly from legislative power; and by stripping it of a competence which is the inherent and characteristic privilege of Parliament, prostrates the happy contrivances of our mixed government, at the feet of a wild and imperious democracy. Mr. Bushe will answer this question, by informing me that "the constitution of the present Parliament is corrupt and venal: that it is a borough representation, which requires to be purified."

But he will forgive me, if I inquire, whether when Judge Blackstone wrote his Commentaries, about the commencement of the present reign, and asserted the British Parliament to be absolute, all-competent and uncontrolled, the constitution of that House of Commons, to which he ascribed such boundless authority, was in no respect venal or corrupt? was in no degree a borough representation? Such questions, if one may not answer, one may however ask, without disrespect; and I call on Mr. Bushe, who is a lawyer, to reconcile that denial of the incompetence of our Parliament to pass a Union, which he grounds on the defects in its constitution,—with Sir William Blackstone's assertion of the omnipotence of a similarly constituted assembly.

If my very enlightened and sagacious friend disputes Lord Castlereagh's account of the present state of our representation, he needs not to be reminded, that he cannot found a denial of the competence of this Parliament, upon a statement which he refuses to admit as true. In the moment in which he controverts that statement, he must feel that he invests the present legislature with all the competence, which he has admitted to belong to Parliament in the abstract.

But if, on the other hand, he is of opinion that the present House of Commons* is constituted so corruptly, is so mere a borough representation, that it should become an exception to the grand theory of our constitution, and present us with the monstrous anomaly of a legislature at once incompetent and supreme,—if this be the light in which he views the matter, I will ask of him, whether he must not necessarily, and on principle, be an advocate for radical parliamentary reform? Undoubtedly he must. He must feel, that without a supreme legislative authority, there

* Which he is so anxious to preserve unmodified.

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can be no regular government;—and will be impatient to submit to a thorough purification, that body which he has confessed to be too foul and loathsome, to be entrusted with the powers characteristic of its situation; but of which he would, on account of its unworthiness, divest it,—at the hazard of dissolving the government, and giving entrance to all the violence of popular domination.

But I would also intreat my very ingenious friend to consider, whether the principle on which he has founded his argument against the competence of the present Parliament, will not, besides leading him to promote schemes of reform, from which we have been used to shrink as the offspring of Jacobinism,—oblige him to proceed farther, and embrace the doctrine of Mr. Paine, that a corrupt body is incompetent to reform itself. He never will suffer this mass of impurity, this assembly which he describes as corrupt, even to impotence,—to lay its polluted hands on the franchises of the country,—to meddle with that constituency with which it is not in fact connected,—and contaminate the free principles of the constitution at their source. He will be uniform and consistent; and disclaiming the authority of a body so degraded, will call on the people at large to sweep away the abuses of the government, though by doing so he effaces the whole fabric of our liberties, and swears allegiance to a despotic mob. In short, he will say of reform, as he does of Union, "that it is a transaction which imperiously calls for that sanction of popular approbation," which yet is directly repugnant to the principles of our mixed government; "and that no rational man can expect the plan to stand without it."

Let my learned friend weigh these considerations maturely, (no man is better qualified to form a just estimate of their importance,) before he persists in his present reasoning, and, adopting the statement which he imputes to Lord Castlereagh, "that Union is to operate as a parliamentary reform," infers that "this Parliament is incompetent to pass the measure."

I will not deny the statement to be judicious, which describes a proportion merely exceeding one-half, as "containing nearly two-thirds of the county representatives;"* nor compare the grounds on which some county members are reported to rest their opposition to Union, viz. a sacri-

* Mr. Bushe's Speech.

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fice of their own judgment to the instructions, (resulting it may be from local prejudice) of their constituents,—I will not I say contrast these grounds with the maxims laid down by constitutional writers, that "every member of the House of Commons, though chosen by one *particular* district, when elected and returned serves for the *whole* realm: for the end of his coming thither is not particular, but general; not barely to advantage *his constituents*, but the *commonwealth:* and that therefore he is not bound *to consult with, or take the advice of his constituents*, upon any particular point;"* neither shall I stop to inquire whether Messrs. Grattan, George Ponsonby, Saurin, Bushe, Plunket, and others whom I could enumerate *as distinguished opponents* of Union, be county members, or form part of that borough representation which is so contemned; nor detain my reader by examining whether, of the glorious hundred and twenty, (which is incessantly reckoned, as if it were feared that some of the precious flock might stray) a proportion of nearly five-sixths do not sit for boroughs. I might perhaps be warranted in doubting whether it be perfectly constitutional to scrutinize the ingredients of which a majority is composed, before we decide upon the validity of a bill which they have carried: whether, though the principles of the constitution have set knights and burgesses exactly on a par, we are on every great occasion to sift the Commons, and free the county representation from the borough chaff, before we determine how far a statute is entitled to our obedience: whether such a principle might not invalidate a long succession of laws, passed for aught we know by a mere borough majority, in that British Parliament, in which of the 558 members, not more than about a third sits for counties and cities. I might inquire how many of us humble burgesses are equivalent to the political weight and dimensions of a county member. I will however do none of this; but shortly close my examination of Mr. Bushe's doctrines, by observing first upon that change in the proportion between the county and borough representation, which a Legislative Union will introduce; and secondly, upon that measure of compensation, against which so great a clamour has been raised.

And first as to the predominance of county members in the United Parliament. There is a want of candour, or of

* Blackstone.

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judgment, in inferring from such a change of proportion, that the minister who proposes it, by doing so, admits the representation which is to perish, to be incurably unsound. —See how the case stands. Towards accomplishing a Union, it is requisite that the representation of Ireland should be so abridged, as to render it commensurate to the population and resources of this country, become (in consequence of that measure) a fraction of the united kingdom. The question then is, what description of representatives we should preserve? a question, which, by reference to obvious principles, can be solved; since it is plain that in such new situation, the same comparison between different classes of representation, may become expedient, which under other circumstances would be highly unconstitutional and improper. Such a change of proportion merely determines what common sense had previously decided, that since only a part of our Commons can be retained, that which is drawn from counties, and commercial towns should be preferred: but the alteration is far from implying the subversive doctrine, which some would extract from it, viz. that a Parliament in which borough members predominates, is on this account incurably unsound; and incapacitated from exercising those legislative functions, which, if otherwise constituted, it would be competent to perform. This preference of county members to the representatives of boroughs,—a preference justifiable on general principles,—is perhaps peculiarly adapted to the situation of this country, peculiarly fit to be acted on in Ireland, when a change of political circumstances obliges us to select from amongst our Commons, the class which we should send to the Imperial Legislature. But when Mr. Bushe represents "the most open of the boroughs," as preferred in this arrangement, on the score of their constitution, though this statement must be confessed to be the most favourable to his denial of the competence of this (according to him isolated) Parliament,—yet in other respects it is liable to objection. That the most open of the boroughs will be those which return burgesses to the common legislature, may eventually be the case: but it should at the same time be recollected, that the nature of their charter will not be the ground of such selection; and that the minister, in settling the mode of representation, so far from acting on a principle which proclaims that, from which Mr. Bushe infers the incompetence of the present Parliament,

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has on the contrary taken a circumspect and cautious line, and wisely refrained from establishing a precedent, which might lead to wild and Jacobinical reform.

In eloquence, I admit myself far inferior to Mr. Bushe; and perhaps am even overweening, when I calculate that in point of judgment, we are more nearly on a par: but, in integrity I must confidently claim to be his equal.

Having premised this—let me declare that the idea of compensation, which so outrages his feelings, does not shock my delicacy in the slightest degree.

What does the very term *compensation* imply? The surrender of an equivalent, by the person thus compensated. Is it not then an abuse of language, and of common sense, to allege that men are bribed, when, in return for that of which they have been deprived, they receive merely its value, and nothing more?

Sentiments of decorum, and respect, may forbid our professing to give entire credit to those rumours, which represent seats in Parliament as private property,—grown, by long connivance, into objects of venal transfer. But if, conquering these reverent scruples, we hearken to the report in any degree, we ought to take the whole of it impartially together; and inquire what is the accustomed price of that, which is thus stated to be bought and sold. Those who institute this inquiry, may be led to conclude —that the borough proprietor who receives fifteen thousand pounds from the legislature, for the surrender of those privileges, of which he is tenant by sufferance, and prescription,—gains absolutely nothing by the exchange. They may be induced to pronounce, that he receives no more than the current price of that influence, for which, if the government was not disposed to buy, he could (under the operation of inveterate abuse) without any difficulty, find purchasers elsewhere.—They may be consequently led to deny, that he can be unduly influenced by an arrangement, which no more than literally compensates him for that saleable hereditament, which, for the public benefit, is wrested from his hands. They may be led to deny, that looking at the transaction with mere reference to him, and in a strictly pecuniary point of view, he is placed by Union in a better situation, than that in which he stood before. Finally, all who investigate the question thus candidly and coolly, will observe that it is the general principle of *compensation*, which is now under discussion, and against

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which so groundless an outcry has been raised; and will feel that those who object to fifteen thousand pounds as over-payment, are in fact admitting this principle, and merely higgling about the price.

But, by a confusion, which I am far from supposing to be inadvertent, those charges of bias, which are extracted from the principle of compensation, after having been very unjustly cast upon the borough proprietor, are by a grosser perversion, indiscriminately thrown on an entire class, of whom many have no concern, or privity in the transaction; I mean the borough representatives.

Let me therefore, for the purpose of illustration, suggest an hypothetic, and ideal case. Let me suppose that my colleague, Mr. Bushe, and I—sat by purchase, for a venal borough. What community of interest would there be between us, and the proprietor from whom we bought? Or how could our votes be influenced, by the compensation which he received? Should we not be left unbiassed by that proposal,—which yet is objected to on no other ground, than that of its influencing the conduct of members of Parliament? Would not this be the case, though we were, both the one and the other, as corrupt as the foulest slanderer could choose to represent us? And could any man be surprised if that occurred, which as things stand, has actually happened,—viz. that we should take opposite sides on the question of Union,—though returned by the same patron, for his venal borough?

This patron's estate, if any he had, would be reversionary: postponed, and subject to our term of seven years: and if the proposed compensation were what it is untruly called—a scheme of bribery, intended to procure votes for Union,—the plan would be as lame and inadequate, as it was corrupt,—so long as those Commoners who purchased seats, were not allowed their distributive portion of this state largess.

Persons returned by borough patrons, not for money, but gratuitously, and from motives of confidence and affection, I admit to stand on different grounds. I admit a connexion between them, and those proprietors whose seats they fill. But in shewing that compensation is no bribe, I have proved that the transaction which was not calculated immediately to sway the patron, could not operate mediately to bias the representative: a representative, by the way, connected with this patron by merely honourable

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ties; and therefore whose scrupulous regard to these, should acquit him of yielding to any influence that was corrupt or base: even supposing that, (of which the contrary is the truth,) viz. that the proprietor's title to compensation would be in any way affected, by the part which he, or those members whom he could influence, might choose to take on the question of Union.

But to return from this view of the situation of others, to our consideration of his case, who is the object of compensation. The arguments of those who object to this measure, rest on the corruption of the borough patron, as their basis: if you suppose him incorruptible, their foundation fails; and all their specious reasoning tumbles to the ground. Examining the question then upon their own hypothesis, and assuming dishonesty in the proprietors of boroughs as our datum, I beg to know whether, if compensation were refused, the present Parliament might not be considered as one packed against a Union? one bribed in general to oppose every measure, which clashed with the private interests of those borough proprietors, whose legislative influence is so operative and extensive? If this be so, how stands the dilemma? Either borough patrons are incorruptible, or they are not: if they be, we may dismiss our fears of the influencing and controlling effects of compensation: if they be not,—we should make the members of Parliament as *indifferent*, as the law requires every juror to be, before we call on this grand inquest to give their verdict, on a question which involves the public weal. And how are we to accomplish this? Since it is not in our power to annul those interests, which may operate to produce an undue influence against Union, we must only contrive to check and balance them by contrary advantages,—which shall create an equivalent bias on the opposite side,—and eventually leave the Parliament impartial.

It is a known maxim of our law, that the testimony of an interested witness shall in no case be received; and I have heard determinations, grounded on this principle, which it may not be unillustrative to state. I have known preliminary questions proposed to a witness, his answers to which having demonstrated a positive interest, the court has been for rejecting him as incompetent; but when subsequent interrogatories have shewn, not that this interest did not exist on one side, but that it was *compensated* and countervailed by an influence operating in the contrary

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direction, his testimony has been admitted, as disinterested and impartial. The application of such decisions to the question before us, I think obvious.

We may undoubtedly lament the prevalence of a practice, so repugnant to the theory of our government, in its representative branch, as that of vending the privilege of legislation,—and suffering a personal and private interest to grow up in Parliament, which may happen to encounter, and obstruct the public weal.

But the question is not as to the nature or effect,—but merely as to the existence of this abuse. If any man think it merely a theoretic evil,—of which the mischief vanishes in practice,—I will concede him all the benefits of his doctrine; and only require in return, that he be consistent,—and patiently abide the consequences of his own system: that he desist from disparaging that class of our representation, whose share in legislating—he refuses to consider as a practical abuse: that he cease to compliment the county members at our expense; and to analyse a parliamentary majority into its component parts, before he pronounces the measure which it has carried—to be a valid one.

But if the mischief be not an imaginary, but a real one, I would ask the clamorous enemies of compensation, whether they wish to perpetuate a substantial evil,—or, in removing it, to invade the property of individuals, whose interest in boroughs is as prescriptive,—as it is perhaps irreconcileable with the genuine principles of our constitution.

In truth the Anti-unionists must excuse me, if I repeat what I have had occasion to observe before,—that inconsistency is the grand characteristic of their party. Thus, according as it suits their transitory purpose, boroughs are private property, or they are not. If a member, who is supposed to sit by purchase for a venal borough, declares an opinion in favour of Union, he is reminded of the injurious effect which that measure will have on the interests of the proprietor, by whom he has been returned: it is suggested to him that his seat is but a particular estate, carved out of the political inheritance of the borough; and that, subject to his own seven years term, he is a mere trustee for the reversion: and upon these grounds he is modestly conjured, by the scrupulous and patriotic Anti-union band, to postpone the welfare of the public, to the interests of the patron.

But let Unionists admit the principle on which these pa-

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triots have thus insisted,—let them admit a property in boroughs to have grown out of immemorial acquiescence,—and their opponents are instantly in arms. Yet what, in truth, is the only difference between them? The principle is admitted both by government and opposition; but while the latter would sacrifice to it, no less a victim than the common weal,—the former proposes to reconcile public advantage with private interest; and without injuring the individual, to give prosperity to the nation.

To secure private property, is indeed one of the most indelible, and sacred duties of every state. Its security, if Mr. Locke,—and other eminent writers do not err,—was emphatically the object for which society itself was framed; and therefore governments conform laudably to the ends of their institution, when they protect even the property which had its remote origin in wrong; and defend not only what they have expressly guaranteed, but even what they have tacitly endured: so far forth as they are able to bestow this latter protection, without the sacrifice of paramount, and more essential duties.

But who can listen patiently, when the measure of compensation is described as a purchasing of the liberties of the people? Can the practice (if it subsists) of an individual patron, to sell the privilege of sitting in Parliament, be enumerated amongst the rights of the constituent body of the nation? Is not the abrogation of such a practice, on the terms of compensating the usurper, rather the purchase of an old encroachment on the franchises of the people? an inveterate impediment to the exercise of those rights which they should enjoy?

If such contradictions can be detected, between the theory and practice of our representation, whatever comfort I may derive from doubting whether the evil be not less real than apparent,—(less practically than theoretically repugnant to the public freedom,) I yet cannot look with unconcern on blemishes, which so deform the government under which we live: still less can I approve, or justify their conduct, who for the purpose of carrying a mere party end, indulge in those unmeaning common places of declamation, which seduce the vulgar by the same qualities that disgust the man of sense; and thus impair the already too frail allegiance of the subject, by a profane and pitiless exposure of the defects of our constitution.

I therefore regret the necessity which has been imposed

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upon me, of discussing topics which it were better keep in the shade. The wise and loyal man, in these days of Jacobinism and subversion, merely probes the fault sufficiently to prescribe, and apply the remedy; lest by any incautious, or superfluous exposure, instead of curing the diseased part, he might destroy the constitution.

It is on this account that I feel satisfaction in recollecting, and re-urging, that the inquiry is not as to the positive, but merely as to the relative excellence of our borough representation. The question is not whether it is so unsound, as that it ought to be abolished, or radically reformed; but merely whether, under that political change of circumstances, which involves an abridgement of the numbers of our representatives, we should give the preference to boroughs or to counties: a question which can be answered in but one way by the Anti-unionist, who scorns even to *tell* the borough members who oppose him, but adopting the fastidious sentiment of the Roman actress,—exclaims

Satis est Equitem mihi plaudere:

"I will not listen to the opinion of any, but *knights* of the shire."

Agreeably to the intention which I announced at the commencement of these animadversions, I shall now proceed to animadvert upon the speech of Mr. Saurin;* examining its topics, not exactly in the order in which they occur,—but disposing first of those which strike me as preliminary, and of lesser moment; and reserving for the last, my discussion of those doctrines, which are rendered important—not by their truth, but by their danger.

The example of the Revolution appears to this learned gentleman,† to be in no degree relevant to the question of competence, in the present Parliament, to pass a Union; "inasmuch as the proceedings of the legislature of that time had the full assent of the people at large."‡ I deny the fact; and refer to history in support of my denial. I deny such full assent to have been had in England; and so far was Scotland from concuring in all the material points of that arrangement, that a separation of the crowns was soon after threatened, in the reign of Anne; about which period, not revolution principles, but Toryism—

* As published in the Dublin Evening Post of March 11th ult.

† Now the Right Hon. William Saurin, some time Attorney-General for Ireland. ‡ Evening Post of March 11th.

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appears to have been the prevailing disposition of the English people. And, lastly, with regard to the public sentiment of Ireland, I shall only observe, that the full assent of the Irish people to the Revolution, was not unequivocally attested by any thing which passed at Limerick, at Aughrim, or at the Boyne. Thus hazardous and unsettling, do we find the doctrines, which affect to rest the validity of public acts on any other ground, than the strict and recognized principles of the constitution. Thus dangerous is it to follow the counsels of Mr. Saurin; and instead of taking the public opinion from its only legitimate source,—the acts of the legislature,—to collect, with him, a spurious sentiment without doors, and set up this in opposition, and contrast to the sense of Parliament.

The precedent of that Union, which occurred early in the present century, he considers as alike inapplicable to the question now before us; and asks his hearers what analogy there can be found between the past Scottish, and intended Irish incorporation? What resemblance between the case of Scotland in those days,—and that of Ireland at the present time? In my mind a resemblance of even singular exactness. The end proposed by the measure now in progress, is the same with that which was sought by the arrangement of 1707. It was intended then, as it is endeavoured now, to secure the fragile and assailed connexion of two neighbouring countries, imperfectly united under one common head: countries inhabited by people speaking the same language, formed to similar habits, and whose harmony was as mutually salutary, as it was precarious: countries of which one, inferior to the other in power and resources, sought to strengthen itself by the aid of France, the common enemy of both. He who cannot discover even a close and striking likeness between the situation of Scotland in 1707, and Ireland in 1800, must, to my judgment, be very dull, or extremely uninformed. I had myself occasion, in the last year, to point out some circumstances of resemblance: but the similarity has been demonstrated more strictly and completely, in the present session of Parliament, by Mr. Ormsby, when he read and commented on the message of Queen Anne.

I shall not therefore dwell longer on this subject; but proceed without further delay to the consideration of those maxims, which I consider as most pernicious, in the publication that I am discussing.

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Mr. Saurin appears to have opened his speech by inquiring—upon what authority Lord Castlereagh had pronounced that the petitions on our table should be "treated with inattention and contempt?" In the first place, this question imputes to the minister a declaration which he never made; and indeed the charge is contradicted by what Mr. Saurin has, in another part of his speech, laid down, as the doctrine promulgated by Lord Castlereagh.

The passage to which I allude, is as follows—"The noble Lord says, the petitions are entitled to respect, and ought to be attended to by the house; but should not govern the decision of Parliament:" he says, "that Parliament is not *bound* to act agreeably to those petitions; but, in determining, is to take its own wisdom for its guide."*

Now to me this appears a very liberal admission of the weight to which petitions to Parliament are entitled: an admission as ample as the minister could make, consistently with a reservation to the legislature, of that supreme authority which, (as a sine quâ non,) all constitutional writers have assigned it; and which being wanted, it would present us with the practical bull, of a legislature without the power of legislation.

But if what Mr. Saurin means to ask be this,—on what authority we dispute the title of those petitions on which he relies, to peculiar respect or attention from the legislature,—I will refer him, by way of answer, to the signature of Mr. Black; who addresses Parliament on behalf of himself and those retainers in arms, whom he represents as ready to back their request by force, and unequivocally attest their enmity, not to Union, but to connexion. More expert in the exercise of the pike, than of the pen, these gallant Anti-unionists reserve their exertions for the field; and depute the more inglorious task of signature to their foreman, Mr. Black. The above very conspicuous feature in these terrific supplications is one, by the way, to which I am surprised at Mr. Saurin's not having adverted; inasmuch as, before he spoke, our attention had been directed to it, by the Solicitor-General; who, at the same time, paid due tribute to the loyalty and decorum of these credentials, presented to Parliament by the envoy of treason, Mr. Black.

In truth, Mr. Saurin has himself assigned some reasons,

* Mr. Saurin's Speech.

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why these scrolls, (whose prolixity we have seen unfolded, with so much of political haberdashery, and stage trick,) should not influence, too conclusively, the decision of the legislature.

He has assured us that those, whose names, in virtue of their forty shilling stake, have been signed to this muster-roll of faction, are perhaps not even "capable of inquiring into the political character, or fitness, of the candidate" whom they return; though, like Sancho, they feel marvellously competent to the government of an island.

Mr. Saurin, by this assurance, goes further than Montesquieu himself had done. The principle which he laid down was merely this, that the people at large are quite incapable of discussing affairs of state; and should therefore possess no political power, beyond that which consists in their right of electing representatives: representatives whom he would not make accountable for their parliamentary conduct, to the electors who had returned them; because this would be contradictory to the maxim which he had laid down, that the multitude is unqualified for deliberating on political questions.

But that profound writer held the constituent body of the people as discerning enough, to form a just opinion "of the fitness of the candidate" who sought to represent them. It remained for Mr. Saurin to degrade them further; and, by a novel mode of argument to allege the incapacity which he heaps upon them, as a reason for paying implicit obedience to their caprice,—and deferring to whatever doctrines their whim may tempt them to lay down, on matters which Montesquieu thought them incompetent to discuss.

"The weight of the petitions is to be ascertained by the first names to them;" for, as to "the great numbers who signed, nothing but the influence" of these eminent names "could have procured so many signatures."*

Be it so. Let us consider these *great numbers* as mere retinue of the first subscribers: the *Gyases* and *Cloanthuses*, who but serve to fill up gaps in this political epic: a sort of etcetera, who proclaim the pomp and authority of their leaders.

But while we admit the justice of this statement, let us, for that very reason, cease to rely on numbers so enrolled. Let us hear these great men justify, as they can, what we

* Mr. Saurin's Speech.

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conceive to be resistance to the peace and welfare of their distracted country; but let us reject the testimony of their shabby compurgators: let us disregard the response and echo, which is reverberated from a throng of names, to the encouraging cry of certain political conductors; and not pay too much heed to that anxiety for the preservation of their *independence*, which is expressed by those, whom Mr. Saurin has described to be no better than a herd of creatures and *dependents*.

Thus the case would stand,—thus weak would be the pretensions to respect, which those petitions could bring on the score of numbers,—though we should merely abide by, and draw our inference from, the statement of Mr. Saurin: though we should forget that the state of Ireland supplies additional grounds for listening distrustfully to petitions thus numerously subscribed: though we should forget that the numbers must be swelled, and almost constituted, by those who may be described as "ex omni colluvione mixti, exsules, capitalia ausi plerique; quos, velut materiam novandis rebus, nunc primum nova pace coalescente, ex variis causis fortuna similis conglobaverat."*

These are the persons, whose prayers we are called upon, not to grant—but to obey. The greater portion of them yield but seemingly to the influence of their superiors, while in reality they are seeking to promote their own rebellious ends; and those loyal men who become the advocates and patrons of such a class—are but reviving the extravagance of the Knight of La Mancha, and unchaining malefactors, who will use their freedom to the injury of their redressers.

But let me now proceed, more directly, to reprehend that most dangerous and unconstitutional doctrine, which Mr. Saurin's positions all go to establish: I mean that denial of the competence of Parliament to pass Union, which can only be supported on the general principle of their legislative incompetence: a principle as mischievous and absurd, as it is broad.

This doctrine, (to the pernicious tendencies of which, my respect for Mr. Saurin makes me suppose him blind,) he has introduced under those various forms and disguises, in which his ingenuity enabled him to dress it. First, it made its approach in the shape of apprehension, that the

* Livy.

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people might not submit to the measure; thus provoking the resistance, which it seemed to deprecate. It next assumed the form of that exorbitant respect for the petitions of the people, which went to exalt these, from the character of subjects to that of sovereigns, and gave to their prayers that controlling efficacy, of which it stripped the statute law of the land. Thirdly, it came forward as a motion to dissolve the Parliament; and at length (when these animadversions, under the title of "Further Postscript" to my Letter to Mr. Grattan, had first gone to press,)

"Scindit se nubes, et in æthera purgat apertum:"

the doctrine bursts from its concealment, with decided and terrific aspect; divulging all its danger and deformity to the public.*

On the first form of this Proteus mischief, I shall not comment. Suffice it to say, that the argument, as applied to the people, is excitement,—and as addressed to the government, is intimidation. The former can only attest its persuasiveness by committing treason: the latter can only answer it by precautions, or with contempt.

On the second shape which this wild theory has taken,—that of unconstitutional deference to the petitions of the subject,—I have already dwelt with some attention; and shall add little to what I have said, except to shew that I have not misinterpreted, or misstated my opponent.

I will ascribe nothing to Mr. Saurin. He shall speak for himself: shall (to prevent mistakes) repeat his own profession of political faith.

"The noble Lord says, the right of the subject to petition Parliament, cannot be denied. Petitions, according to his Lordship, are entitled to respect; and ought to be attended to by the house."†

Such are the (in my judgment very constitutional) opinions, as to the weight which petitions should have with Parliament, ascribed to Lord Castlereagh, by Mr. Saurin himself; but which this latter objects to as derogatory from the just and proper efficacy of such petitions,—because his lordship has proceeded to prescribe some limits

* See a report of Mr. Saurin's Speech of March 13, 1800, published in the Anti-union and Dublin Evening Post of Saturday, March 15, 1800.

† Mr. Saurin's Speech on Tuesday, March 4, published in the Dublin Evening Post of March 11.

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to their authority. His objections are to be found in the following extract from his speech:

"*But* the noble lord says, that Parliament is not *bound* to act agreeably to those petitions: they should not *govern* their decision. For Mr. Saurin's part, he was at a loss to know of what use it was to the people to have a right to petition, if the Parliament were justified in acting on their *private opinion*, in opposition. It was a mockery of the nation, to tell them they had a right to lay their opinion before Parliament, but that Parliament also had a right to act as they pleased, notwithstanding the sense of the nation, expressed the other way."

"But the noble Lord says, the people who have signed these petitions, cannot have weighed the question with deliberation; and were not capable of judging of it, even if they had." "It was not necessary" (Mr. Saurin said,) "that they should be capable. The nature of a petition proved it. A petition urged no *reasons:* it merely stated the *will* of the petitioners. Therefore, when the right of the subject to petition was acknowledged, it was acknowledged that they had a right to state to the Parliament, what was the public will; without shewing the reasons by which that will was guided, *or whether it was founded on any reasons;* and if the right of petition was not *nugatory*, and a mockery of the nation, the Parliament was *bound* to act agreeably to what the will of the nation was;—when plainly and unequivocally expressed."*

I shall not dwell upon the very extraordinary language, which calls the sense of that legislature, which is the only constitutional organ, that *obligatorily* speaks the public will —which calls this, I say, the *private opinion* of Parliament: I shall not stop to translate into Latin (Lucan has already done it for me,†) that Jacobinic maxim, which, reminding us that petitions urge no reasons, but merely state the will of the petitioners, concludes, mischievously and absurdly, that the legislature is *bound* to act agreeably to this will, "whether it be founded on any reasons," or be utterly irrational. I shall not ask whether the right of laying your evidence before a court, be *nugatory*, unless, usurping the functions of the judge, you determine your own cause. I shall not detain my reader, by inquiring whether it be not

* Mr. Saurin's Speech.

† Hoc volo: hoc jubeo: stet, *pro ratione, voluntas.*

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of the essence of a supplication—that it be susceptible of rejection; or whether a mandatory petition be not a contradiction in terms. I shall merely remind him that I appear not to have misconstrued Mr. Saurin, by representing his obsequious respect for the petitions of the people, as a mere formula, in which he denies the competence of Parliament. I shall only observe, that if petitions should *control*, then Parliament is not *uncontrollable;* which all constitutional writers have described it to be. Wherever the right lies, of effectively promulgating the national will, there also the legislative power resides; and if Mr. Saurin's theory be true, that petitions are bills, brought in by the multitude, (without any leave,) and which the instrumental Parliament is bound to carry into law,—then our government is no more a mixed one, than was that of Athens: for it matters not whether the law goes by the name of *statute*, or of *petition*,—the law-giver must ever be the supreme power in the state.

In fact, my learned opponent breaks from his concealment, when interrupting his devotions to the petitioning idol that he has set up, he apparently, (but not really) *digresses* to the Scotch Union; and affirms that if it were carried by the Parliament of Scotland, against the sense of the people, these latter would have been justified in resisting.

This position, of Mr. Saurin, contradicts in terms the constitutional principle, that Parliament shall, exclusively and paramountly, express the legislative sense of the nation. It at once transfers the sovereign power from the three estates of the realm, to the people in mass; and, coupled with his assumption, that the sense of the people of Ireland is against the measure of Union, it unequivocally preaches, and authorises revolt.

I shall make no farther comment on this doctrine of Mr. Saurin, than by inquiring whether he conceives the Insurrection, or Martial-Law Bills, or the act suspending the Habeas Corpus law, to have been carried with, or against the sense of the great body of the Irish nation? And if contrary to their opinion, whether the people acquired a right of resistance to those measures? I shall merely ask him whether, when the Irish House of Commons in 1795, rejecting the numerous petitions which crowded their table, refused to enact what was termed Catholic emancipation, a right accrued to the *majority of the people*, of revolting

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against the disrespect, with which Parliament presumed to treat that public sentiment, which those petitions had "expressed, so unequivocally, and plainly."*

The next form, into which Mr. Saurin's principle of Parliamentary incompetence—transmigrates, is that of a motion for addressing the crown to dissolve the Parliament.†

It is undoubtedly the royal privilege, to terminate the existence of Parliament, at pleasure: but to exercise this prerogative at the present moment, would be to abuse it; and in calling on his Majesty to exert it, the House of Commons would abjectly travel out of its proper province, in order to degrade, and stultify itself.

No solid reason can be alleged for dissolving the present Parliament, except such serious faults in its frame and constitution, as may render it, on momentous questions, an inadequate representative of the people; and incompetent (for example) to pass so vital a measure, as that of Union. But how is this evil remedied by dissolution,—if after the present Parliament has been dissolved, it is replaced by another, elected on the same objectionable principles? alike imperfectly connected with the people? If he wished to attain the object, at which his motion professed to aim, Sir John Parnell should have prefaced it, by bringing in a bill, for the radical reform of the House of Commons; and if he be not prepared, (as I apprehend he is not) to do this, his project of dissolution must be unsupportable, and inefficacious.

Those who describe the dissolution of the present Parliament, as an appeal to the succeeding one, I consider as talking idly. The present is as high a court, as any future Parliament will be; and there can be no appeal, but from a subordinate, to a superior tribunal.

No; it is an appeal to the Jacobinic feelings, and temporary delusion of the populace. I have heard of an appeal from the drunkenness, to the sobriety of Philip; but the present is a reversal of that proceeding. It is an appeal from the sobriety of Parliament, to the wild intoxication of the people.

To whom would Mr. Saurin refer the investigation of this most important matter of state? Whom would he call upon, to substitute, (by the exercise of their elective fran-

* Mr. Saurin's Speech.

† Moved by Sir John Parnell, and supported by Mr. Saurin.

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chise,) a legislature more capable than the present, of discussing the Union question? He addresses himself to those, whom the constitution has pronounced incapable of deliberating on public affairs; and is anxious that the present Parliament should make room for one, returned in a principal degree by that class of men, whose capacity to judge "of the political character, or fitness of the candidate," that seeks to represent them,* he more than doubts; and very nearly denies.

On the very night, on which the motion for dissolving Parliament was made, the bill for reviving Martial Law passed. What a comment does this furnish, on the tendency of that motion! What a picture can the imagination form, of public inflammation augmented by the tumult of general election! Of the sheriff sitting in one court, to collect the suffrages of electors, and the military inquest of an adjoining one, to inflict punishment on traitors! Of the constituent, escorted from the hustings, where he gave his vote, to the tribunal under whose sentence he is to expiate his treasons! Would a Parliament thus constituted be hostile to Union? It is to be feared that it might even be friendly to separation.

Having now got through the four first acts of Mr. Saurin's tragedy, (for tragical indeed its effects must be,) of the incompetence of Parliament to pass a Union,—having shewn that his analysis of the revolution, and Scotch Union,—his apprehensions of resistance to the measure, if enacted,—his passive obedience to the petitions of the people,† —and his proposal to send the populace to new elections,—are all mere complications in that plot, of which the incompetence of Parliament is the denouement,—let me now make a few observations upon this. Denouement, indeed, it may be called; since it directly unties the principles

* See a passage already cited from Mr. Saurin's Speech.

† "Those great men who governed the councils of Queen Anne, had put down the slavish doctrines of passive obedience: they had no notion of the doctrines which he was sorry to see now revived." (Mr Saurin's Speech of March 13th.) This doctrine of passive obedience Mr. Saurin is far from proposing to abolish: on the contrary, he holds Parliament to be implicitly bound to follow the plainly expressed, (however irrational) will of the people without doors. He would leave the slavish doctrine of passive obedience in full force; and only wishes to change the object of servility. The multitude is the tyrant, whose chains he desires to wear. Aristotle has some where said that there exists a strange and close resemblance between tyrannies and democracies. Both forms of government he considers as despotic. Mr. Saurin's Speeches furnish a reading on these principles of Aristotle.

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which compose regular government, and hold the members of the state together.

"Those great men who assisted in the revolution of 1688, had declared that the King held his crown by compact with the people; and that when the crown violated that compact, by attempting to subvert the constitution, the crown was forfeited," by the attempt. "He," (Mr. Saurin) "would reassert the doctrine of the glorious revolution, and boldly declare that when the Sovereign" (that is to say the supreme legislative*) power violated that compact, that moment the right of resisting accrued."

Before I proceed to extract that part of Mr. Saurin's speech,† in which the chief and deadliest political venom seems to me to reside, I would digress shortly, to observe that this learned gentleman appears to mistake the principles, and maxims of the Revolution. The contrivers of that great transaction were not resisting the sovereign legislative power of the state: they were, *on behalf of the legislature*, and in support of the laws, opposing those unwarrantable encroachments of the executive, which, if not checked, would have produced effects similar to those, to which Mr. Saurin's doctrines lead; by deposing the legislature, and annihilating the constitution. King James usurped, in favour of the prerogative of the crown: Mr. Saurin makes his encroachments, for the aggrandizement of the mob. But the doctrines of both alike transgress the just boundaries of the constitution: both make illegal inroads on the supreme authority of the state: both seek to supersede the legitimate powers of Parliament.

The principles established in 1688 are best ascertained, by a reference to the abuses, which they were intended to encounter. If any thing so unlikely should occur, (but meantime this event ought not to be foreboded,) as an invasion of the liberties of the British subject, by that legislature, of which one co-ordinate, independent branch is popular, the deplorable right of revolt may accrue to an injured people. But it will flow to them from no principle established at the Revolution: it will be derived to them from the violated rights of human nature.

To return to the doctrines of Mr. Saurin. He thus proceeds: "But surely, if there be a right in the nation,

* The context of Mr. Saurin's Speech shews that Parliament is the power of which he speaks.

† Of the 13th of March.

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to resist an unconstitutional* assumption of power, there could not occur a stronger case for the exercise of it, than this measure would afford, if carried against the will of the majority of the nation." He asserted "that the petitions on our table proved that the great body of the people of Ireland was against the measure:" that it was a "measure, which the people of Ireland almost unanimously disliked;" and that, "if a Legislative Union should be so forced upon this country, against the will of its inhabitants, it would be a *nullity;* and resistance to it would be a *struggle* against *usurpation*, and not a *resistance* against *law*."†

Such are the principles laid down as constitutional, by his Majesty's first counsel, learned in the law of Ireland. To prevent mistake, I have stated them in his own words: and the remaining comments which I mean to offer, will be few and short; inasmuch as the doctrines which I have to observe upon, are too explicitly avowed, and in my mind replete with danger too apparent, to stand much in need of explanation.‡

It is true, that Mr. Saurin admits it to be disputed, whether our people be for, or against the measure. But he makes this admission for (what my respect for him forbids me to call) the insidious purpose, of resorting to a most objectionable, and fallacious criterion of the fact: for the purpose of inducing government to dissolve the present Parliament, and thus to supply the fuel of a general election, to the ill-smothered, and already flaming turbulence of the country: thus endeavour to infect the legislature with that disloyalty, which is epidemic without doors; and procure (I trust the attempt might prove a fruitless one) a House of Commons, which should be the quintessence of Jacobinism and disaffection.

But though he admits the dislike of the great body of our people to Union, to be a fact which others controvert, —Mr. Saurin professes to be himself convinced of their aversion. In his opinion, the mass of our population is against the measure; and therefore he is not stating possible and imaginary circumstances, as the mere foundation of an hypothesis: he is not putting an ideal, but as he con-

* "An Act of Parliament can never be unconstitutional, in the proper acceptation of the term."—*Paley.*

† Mr. Saurin's Speech of March 13, 1800, published in the Anti-union Evening Post of March 15, 1800.

‡ That Mr. Saurin is too honest to avow or entertain opinions, replete with danger, or mischief to the Constitution, I am firmly persuaded, and have pleasure in recording the persuasion. To nothing worse than error of judgment do I suppose him liable.

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ceives, a real case, (the actual case and circumstances of Ireland, at this moment,) when he declares that if a Union pass through Parliament, contrary to the sense of a majority without doors, the measure may be legally encountered with resistance.

A Member of Parliament is undoubtedly entitled to urge, in the strongest terms, the impolicy of a measure which is yet in progress,—and has not been enacted into law. But he, to my judgment, abuses and perverts this privilege, who tells the people that if the law pass, and they disrelish it, they may resist it. In this case, if Mr. Saurin be right as to the public sentiment, his IF is a very temporary, and transient *peace-maker;* which the royal assent, once given to the measure, will do away. His Majesty's assent to Union would supply a minor premise to the learned gentleman's hypothetic syllogism; and convert his *conditional* into an *absolute* encouragement of treason.*

Therefore, in order to elude the effects of a principle so full of insecurity and danger,—one which interposes so thin a partition between anarchy and civil government,—and distorts the features of liberty, to the fierce effrontery of licence,—I refer to the records of history, and the theory of our constitution. I compare the statement of the historian, with the doctrine of the constitutional lawyer; and learning from the former, that the table of the Scottish Parliament was crowded with addresses from counties, boroughs, and at last from parishes, against Union,—and collecting from the latter,† that Parliament was, notwithstanding, competent to pass a valid act of incorporation, I am led at once to reject the principles, advanced by Mr. Saurin,—and deny that the populace, either by themselves, or by their tribunes, have a right to obtrude their prohibitory intercessions upon Parliament; or claim predominance, (still less supremacy,) in a mixed government, such as ours. I am led to deny its being an admissible hypothesis,—a supposition which can, even for argument, be entertained,—that an Act of Parliament contravenes that public sense, which the legislature is alone competent to register and declare; and which their statutes, so far from contradicting, must proclaim.‡

* An encouragement in *effect;* but not, I admit, in *intention.*

† Blackstone.

‡ Every Act of Parliament is constructively, and by implication and intendment of law, assented to by all the members of the community; and so laid down to be, by all constitutional writers.

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If the peculiar importance of the present measure be urged against me,—if it be sought to contrast it with more ordinary exertions of legislative power,—for the purpose of supporting by the contrast, those doctrines which I oppose, —in the *first* place, though it were possible, (which it is not*) to draw a line, and mark those cases, which lie beyond the jurisdiction of an all-competent Parliament, I yet must refuse, in any instance, or under any pretext, to admit the introduction of a principle, which at once destroys the balance of our constitution—and depriving the legislature of its unalienable powers, entrusts to the people, the supreme authority of the state. *Secondly*, I must maintain, that a blending of our Parliament with that of Britain, which leaves our civil liberty not only undiminished, but secured, while it expands, over the whole empire, the political influence of Ireland, however momentous, and grand a measure it may be, yet is not one which, towards rendering it valid and effectual, can more require the sanction of the people, than many other statutes, which could be mentioned. Not more than an act, which deprives the accused of trial by jury—exposes him to imprisonment at the arbitrary will of the government,—or subjects him to the despotic rigour of Military Law: in short, than the Insurrection Law; the suspension of the Habeas Corpus Act; or the statute which has just passed, for reviving Martial Law: measures, which (under the warrant of that deplorable emergency which distinctness produced, and incorporation would remove,) do really effect that, which is untruly ascribed to Union, and operate a surrender of the rights and liberties of Ireland.† *Thirdly*, I must affirm

* I had occasion (if I may presume to quote myself) to notice this difficulty, in the speech which I delivered in Parliament in the last year. "But forsooth, it is only upon *extraordinary* occasions, that these millions of ephori claim to review the decisions of their sovereign legislature; and deny the competence of Parliament to make laws without their express consent. That is to say, the populace are, under certain circumstances, constitutionally entitled to dictate to their Parliament; *and the same populace are to decide whether those circumstances have arisen.* The populace is to resolve itself into a committee of the whole nation, to inquire whether the right of popular despotism has accrued; and by the report of this mob, is their title to be ascertained."—*Substance of my Speech*, p. 45.

† I am borne out in this assertion, not only by comparing the operation of these laws, with the provisions of that foundation of our liberties, Magna Charta,—but by the express words of Blackstone himself, who says that by suspending the Habeas Corpus Act, "the nation parts with its liberty for a while." (Vol. 1. p. 136.)

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the point to be decided, of a power in Parliament adequate to embrace and carry the proposed measure: decided by the authority of that incorporation, whose validity all constitutional writers recognize;* and which an enlightened and patriotic legislature passed—disregarding the biassed and transitory wish,† and consulting only the permanent interests, of Scotland.

In a word, I must lastly, and reluctantly, pronounce that the man who promulgates doctrines contrary to these, though his intentions be pure, his talents eminent, and his character respectable, as those of Mr. Saurin—must yet be dangerous, in proportion to his influence, as a public man; since he not only misconceives the principles of the British Constitution, but most perniciously‡ attempts to undermine that legislative supremacy, which forms the base, without which no regular government could stand.

WILLIAM SMITH.

* Blackstone, vol. 1. p. 161.

† Attested by numerous petitions against the measure.

‡ When I say perniciously, I advert to tendency and effect; by no means to intention. See page 231, note 3.—I look on Mr. Saurin as perfectly incapable of attempting intentionally to undermine any sound principle of the Constitution. I do not impeach his integrity; but, in these particular instances, his judgment.

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